SELECTIONS

FROM THE

RECORDS OF GOVERNMENT.

PAPERS

RELATING TO THE REFORM

OF THE

POLICE OF INDIA.

1861.

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1861.

CONTENTS.

PREFACE.

The present volume contains some of the most important papers bearing upon the question of Indian Police reform—a question which occupied attention at Home so far back as 1829, when the late Sir Robert Peel first of all took in hand a thorough Police re-organization.

Sir Robert Peel's speech has been added to the papers contained in this volume in order to show the state of infancy of the Police—even the London Police—30 years ago; and likewise because in this speech it is clearly shown how gradually all large progressive measures must be developed.

Some of the arguments used for Police re-organization apply equally to the East as well as to the West.

There is also a very important Minute by His Excellency the Right Hon'ble Sir George Clerk, K. C. B., the present Governor of Bombay, dated 28th April 1848, but generally the Indian selections extend over a period of six years, or since the Report of the Commissioners for the investigation of Torture in the Madras Presidency rendered it more generally apparent that a thorough Police reform was absolutely necessary, and that the isolated efforts for improvement previously initiated should be developed into some practical plan of general applicability.

Office of Police Commission,
BALLYGUNGE,
The 1st January 1861.

SELECTIONS

FROM THE

RECORDS OF GOVERNMENT.

HOUSE OF COMMONS,

Wednesday, the 15*th April* 1829.

MR. SECRETARY PEEL.

SIR,

IT is impossible that this immense metropolis can be satisfactorily committed, with a view to the prevention of crime, and the preservation of the inhabitants, to the precaution of parochial power. This is the conclusion the Committee have already come to, and it is a conclusion in which I apprehend that the House will coincide; if the watch of the metropolis is under the control of the parishes, and even though each parish were to attend vigilantly and carefully to their own protection, still we should want unity, without which we can never arrive at a perfect system. But that, Sir, is not the case; they do not attend totheir duty in this respect; and though the establishment is very expensive to the parishes, it is by no means effectual. It is desirable, therefore, that means should be devised to give unity to the Police of the metropolis, and also to devise the means of providing a more effectual Police establishment than that at present in operation. I do not deny that in some parishes great attention is paid to the watch, and in some instances, with very great success; but still, even in these parishes, it cannot

be effectual, while the neighboring parishes take no such pains. Their strictness only forces the thieves to lurk on the out-skirts of the parish, watching their opportunity to commit depredations upon its inhabitants, and in the interim living upon the parishes which are negligent. It is obvious, therefore, that from the absence of that union, and communication to which I have alluded, and still more from the absence of an uniformity of system, the better watching of any particular parish must fail to give satisfaction to all its inhabitants; while, at the same time, the superior nature of its Police renders it something little short of a nuisance to less ably regulated neighbors.

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In not one of these polices is there any regular Police establishment, nor any watch, except that which is in some cases supported by the voluntary contributions raised by the inhabitants. Some individuals in those parishes were ready to subscribe to maintain a watch, but others would not do so, and those latter reaped the benefit of the exertions of the former, until they got tired of the expense and gave it up altogether. Of all the parishes in the metropolis and its neighborhood, however, none affords such facilities for the perpetration of crime as the parish of Deptford. That parish contains 20,000 inhabitants; and while their situation affords them the greatest facilities for the commission of crime, their poverty too frequently forms a strong stimulant to attempt it. The parish of Deptford has no sort of watch whatever. The consequence has been, as might naturally have been expected, that it has been the theatre of crimes of the most atrocious and sanguinary character. When those crimes have taken place, some portion of the inhabitants have taken the alarm, and by voluntary contributions have established a watch. As, however, the cause which led to such steps, the alarm experienced at the first information of the crime—was of a temporary nature, the contributions decreased as soon as it subsided, and the voluntary

exertions fell to the ground. If the House will permit me, I will read them an extract of a letter which I have received from one of the authorities of this parish, in compliance with the general requisition transmitted to the several districts intended to be included in the Bill, and I shall read it with greater satisfaction, because I apprehend it presents a very happy specimen of the effects derived from local exertions, and from the authority frequently committed to the inhabitants of parishes by Acts of Parliament. The writer gives an account more particularly of the parish of St. Nicholas, Deptford, with which he is connected. He states, "that there are no patrol in that parish, but that the Act of Parliament authorises the Commissioners to grant warrants to private watchmen, hired at the expense of individuals. The hours to which the watch of these persons is confined, are from ten at night until six in the morning; but even with this regulation there are only two persons who watch under such circumstances, and they, from the small number of persons who employ them, have not sufficient pay. There is no watch-house, and there is only one person filling the office of beadle."

This, Sir, is the state of St. Nicholas' Parish, Deptford; and the writer adds, that the same description is applicable to the adjoining parish of St. Paul's. This, I apprehend, indeed, is a picture applicable to all the parishes placed under such circumstances; and I think it proves beyond all question that it is utterly impossible to expect such success from the system of voluntary contribution, or to allow any Police establishment to be dependent for its existence on such aid.

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The Bill, in compliance with the report of the Police Committee of last year, recommends the uniting the whole of the different watch establishments of a number of parishes under one superintending head, which is to receive the reports of the subordinate

officers; and this superintending department to take charge of the management of the whole of the body of foot or night patrol—I call them patrol instead of watchmen, because I do not think that much respectability remains attached to the name of watchmen. I propose, also, by the Bill, that there should be three Magistrates of this Police, who are to take charge of all those establishments which have been hitherto under the control of the parochial authorities. In putting, according to this plan, the whole of these establishments into their hands, it will, of course, follow that all districts of parishes must be abolished. I do not think that this is one of the least advantages likely to be derived from this Bill, because, I believe, it is very well known that the present watchmen, or constables, even as they may, under many circumstances, not improperly be called, are frequently, in some parishes, confined in the exercise of their power to one side of the street; and in consequence of one side of the street being in one parish and the other side in another, they are often compelled to witness offences committed before their eyes, without having the power to interfere. They have, of course, the same power to interfere to prevent breaches of the peace as other individuals; but as constables they have none.

In a country like England, where we have no system of passports such as that resorted to elsewhere—in a country like this, where the law gives no power to apprehend for mere suspicion,—where, thank God, every man has perfect freedom of action; it is too much to say, that we should so limit the action of those who are invested with the power of apprehending acknowledged offenders, that they should be confined to the arbitrary boundaries of some particular parish and district, beyond the limits of which they are not to pass, even in the performance of the most pressing duty. Independent of all these things, it appears to me that a smaller body of Police, placed under this general superintendence, may be rendered much more efficacious than a much larger one. In those parishes where the watchmen are confined to particular beats or

districts, habits are formed and connexions are established which derogate very much from the faithful discharge of duty, and which too frequently lead to a connivance with those whose practices they are appointed to guard against. By this Bill we give the power to change the persons who belong to any particular district as often as it may be considered expedient, and by these means we guard most effectually against the formation of such connexions as I have described.

I do not propose to attempt those alterations upon too grand a scale at first. As in many other alterations which have been found necessary, where ancient and long established institutions were found to be no longer adequate to the purpose for which they were originally intended, or where the altered state of society required their reformation, I propose that we should, for the present, rather feel our way; and by the experience which we may obtain from a limited experiment at first, gradually acquire that knowledge and that caution which may ultimately enable us to accomplish safely and successfully all that we can desire. I do not, therefore, mean at the outset, to propose the abolition of all existing parochial establishments of this description. The Act will give power to the Board of Magistrates to take charge of a particular district in which there may be several parishes. I do not mean to impose any restriction in the bill upon their power, as to the districts which they may or may not take, but to give a license to take any such portion of the parishes in the metropolis or its vicinity which the Secretary of the State may, upon inquiry, find to require such a system of Police.

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In the year 1805 highway robberies were so frequent in the immediate neighborhood of London, that it became necessary, for the protection of the public, to resort to a system of Police, now well known to many Members of the House, by the name of the

horse-patrol. In the year 1805 fifty-four mounted patrol were sufficient to contribute efficiently to the prevention of the burglaries and robberies which prevailed at that period. It appears to me, that the institution of a general Police, upon a similar plan, would be now attended by a corresponding efficiency in preventing and putting down crime, which at present exists to such a lamentable extent. If you pay proper attention to the selection of such a Police, if your selection in the first instance be conducted in reference to the age of the men, in order that there may be a certainty of having efficient and able officers capable of enduring the fatigues and discharging the duties which the situation imposes upon them; if the selection be also conducted with a reference to the previous character of the men, and, above all, if their promotion be made to depend upon their good conduct, and if they shall be always under the surveillance and control of one establishment, I am convinced that a Police patrol, selected upon such principles, and subject to such regulations, will be found far more efficacious in the prevention of crime, and the preservation of the peace, than the Police established under the existing system.

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I suppose that no objection will be taken to this measure, on the score that it goes to confer an unconstitutional power upon the Board which I propose to establish, and that undue patronage will be vested in that department. The fact is, the Magistrates constituting this Board will not possess much more than the ordinary powers which usually belong to the office of Police Magistrate; and even if their power, in some degree, should go beyond that extent; the House, I am confident, will perceive that it will be better to have under such a system one thousand efficient constables, than to have two thousand inefficient constables under a laxer system. The very means that will supply them with the power of being serviceable, will afford them also the opportunity of abusing that

power, and against that abuse we can only guard by the exercise of increased caution and vigilance in the selection of the persons to be entrusted with such powers. I am therefore satisfied that no objection will be taken to this measure, in so far as it goes to invest the Board of Magistrates to be constituted by this Bill, with efficient means of exercising the powers which will belong to them. In one respect, perhaps, objections will be taken to this measure, on the ground of its exciting jealousy on the part of the existing parochial authorities in consequence of its transferring the patronage which is at present vested in their hands, to this department, acting under the control of the Secretary of State. For my part, I cannot perceive what valid objection can be urged against the power which will be derived from this patronage to Government, more than to that which results already from the selection of persons for the Army and Navy. Certain I am, from the class of persons who will be chosen under such a system, that for any jealousy which may be entertained by parochial authorities in reference to the loss of this petty patronage, there will be found an ample compensation in the increased protection which will be afforded against offenders, and the increased security which will be given to the inhabitants of those parishes into which the operation of this Bill shall be introduced for the preservation of the peace and tranquillity of their respective neighborhoods. But the question must be considered and determined upon higher and more extended principles, than in reference to these petty parochial jealousies, or the consideration of Government patronage.

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Under the Act which I intend to introduce, a certain day will be appointed when the parochial establishments in each particular parish shall be abolished, and the whole management of the Police of that parish transferred to the new Board of Magistrates appointed under this Act. It is desirable, however, that so great a change should not be made too suddenly. I do not propose that

all at once the parochial Police establishments shall cease, and that this new Police department shall at once be obliged to take charge of the whole Police of the metropolis. It is not certainly intended to leave to parishes the option of acceding or not acceding to this Bill, or being included in its operation, but a discretionary power will be vested in the Commission gradually to include such parishes as, in their opinion, it shall be desirable to place under its operation. I would first propose to entrust to them the charge of the police in a certain number of parishes; and I would extend their authority gradually to other parishes, until the charge of the entire Police establishment devolves upon them. By that means the new Police department will become gradually exercised in the management and control of the new Police, and in the course of time they will be competent to take charge of the entire Police of the metropolis.

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Monday, the 25th May 1829.

The experience of the office I have the honor to hold, convinces me of the necessity of directing the public attention to the subject; but as I was determined to do nothing from myself alone, at an early period of the last session, I proposed the appointment of a Committee to consider the state of the police of the metropolis. It might be said, that such a renewed inquiry was scarcely necessary because, for seven or eight years, the House of Commons has persevered in similar investigations. The Committees have uniformly made the same report that nothing effectual could be done while the Parochial Police continued in a state so defective; and a conclusion was therefore arrived at, that it was necessary to regulate the whole by one system, and to carry the plan into effect by one controlling power. It was proposed by the Committee of last year, that an attempt should be made to improve in this manner the Parochial Police—that, for this purpose, the division and distinction of parishes

should be abolished, and that parishes, in cases which referred to the commission of crime, should not be left to their own direction and discretion. This was held the more reasonable, because Government is already intrusted with the power of watching the roads at night by horse-patrol, of guarding the environs of the metropolis by the foot-patrol, and of protecting the streets by the day-patrol. The various local laws were, therefore, to be reviewed and consolidated, and this in accordance with the unanimous report of the Committee. Due notice was given in the course of the Session of what would be proposed; and so soon as the proceeding on the Roman Catholic Relief Bill had concluded, I brought in this Bill, founded exactly and literally upon the report made by the Committee on the 15th of April in last year. The Chairman did, what is not very usual, communicate a copy of the measure to all the parishes interested; and the result is, that we are now arrived at the third reading of the Metropolis Police Bill, with only one petition against it. I cannot help thinking that this is a tolerably strong proof that there is a prevalent impression in favor of the measure among the parishes—that they think that the public interest will be advanced, and the commission of crime prevented, to the additional security of private property. Fortunately, this very petition from this one parish affords the most conclusive evidence in favor of the bill. It is from St. John Hackney; and the subscribers do not pray that the Metropolis Police Bill may not pass into a law, but only that their parish may be exempted from its provisions: they add, that however expedient it may be to apply them to a large portion of the vicinity of the metropolis, to which opinion they are very willing to subscribe, yet that the system established in their parish is so good, that the inhabitants are adequately protected, and it is not necessary, therefore, that the parish of St. John should be included. I am perfectly ready to admit that the parish of Hackney is extremely well governed; by good regulations they have repressed crime in their district, and they complain, that by the Bill I have proposed, they shall be subjected to considerably increased expense.

Now the House will be good enough to observe my answer to that:—The annual expense to which the parish of Hackney is at present exposed for maintaining its watch is £3,260; and thinking the utmost limit of the maximum fixed by the Bill—namely 8*d.* in the pound—it is impossible that it can be called upon to contribute more than £3,400 or only £200 beyond the amount now expended. I will, however, undertake to assure the parish of Hackney, that when this Bill shall have passed and the parish is consolidated with other parishes, its security from crime will be preserved at a less expense than is at present defrayed by it. But since it is admitted on all hands that Hackney is so well regulated, the question for the House is, what are the effects of these excellent regulations on the adjoining parishes, and what security have we that the example set by Hackney will be followed elsewhere? For my purpose it happens most fortunately that one parish adjoining Hackney, and regarding the state of which some special enquiries were made—I mean the parish of Tottenham,—is in a very different condition. Let us take first the authority of the officers of the parish of Hackney upon this point. The gentleman who is clerk to the trustees for watching Hackney, was asked whether the parochial watch there did not answer perfectly, and he answered in the affirmative; and then the question was put, what effect the system had had upon the adjoining parishes; and I entreat the House to remember that this is not a parochial but a general question, and he admitted that the moment the improved nightly watch was established in Hackney, crime within the parish rapidly diminished: he said, "one system we adopted immediately was this that, whenever an attempt at burglary took place at a particular station, those men who watched there were suspended until the next meeting, to account for their conduct, when the circumstances were investigated. We put out our Bill, which had a very desirable effect in some measure, authorizing our officers to stop all persons who were moving about at night under tolerably suspicious circumstances. The moment that they went out, it appeared to have driven all the thieves out of the parish,

immediately they went away, they appeared to go to Tottenham." After this evidence, we proceeded to enquire into the state of Tottenham, and the accounts we received as to the condition of the nightly watch and the commission of crime confirmed the opinion before entertained. Mr. Mathew was examined as to the state of Tottenham, and he told the Committee that depredations were frequent, and specially within the last month or six weeks; and when asked regarding the nightly watch, his answer was, "there are private watchmen, but we have no regular watchmen, except what are appointed by the trustees of the road; but they leave their duty at twelve o'clock, which we consider no protection against house-breaking, though it may to persons who are travelling on the king's highway; but it is no protection to the inhabitants, generally speaking, except to those travelling on the road, for we are our own guardians until twelve or one o'clock, when we retire to rest." Then he was asked if he thought it would be acceptable to his parish, if there were to be an uniformity of a Police establishment, to which he replied at once, "I think so." This was followed by the question, "What has been the nature of the depredations committed in your parish?" And the reply was, "I have taken the liberty to sketch out a list." Which list the witness handed in; and by that paper it appeared that there had been sixteen burglaries effected, and three attempted, in how long a time does the House imagine? Within less than six weeks. This, let us recollect, is in a parish contiguous to Hackney; and there, in six weeks, there had been nineteen attempts at burglary, sixteen of which had been successful. With such evidence before it it was incumbent on Government to bring forward some plan not merely for the protection of the inhabitants and of their property, but for higher objects, for repressing the growth of crime, and for preventing the necessity for the infliction of those severe punishments with which our criminal law is chargeable. This diversity is the inevitable consequence of having a good Police establishment in one parish—it drives all the evil disposed into an adjoining parish, which is not equally well protected. By these

circumstances I was induced to take into consideration that question, which, on account of its extreme difficulty, and the complication of its details, has been postponed for the last fifty years. The Honorable Member has complained that I propose to establish an arbitrary and oppressive system. So far from its being arbitrary and oppressive, let us recollect that our police is now so defective, that in cases of sudden emergency, we have no other remedy than the employment of military force to repress disorder. I give no powers to the new Police, but those of ordinary watchmen; I do not propose to extend their authority in any way, the only difference being, that the whole is to be under the control of Government, and under one general system of regulation. But says Hackney:—"Do not take away our watch; because we place men upon it who would otherwise be chargeable to the parish." The fact, that parishes are in the habit of selecting their watchmen from those who would otherwise receive poor rates, is one of the reasons why the present system is objectionable and defective. I am desirous of abolishing that state of things, according to which a watchman on one side of Oxford street has no authority on the other. Some remedy must be devised for the system by which London is divided as it were, into a number of independent kingdoms, in a great majority of which there is no watch at all. Some remedy ought to be devised, and until it is devised, we must witness and lament the growth of crime, without being able effectually to check it.

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SIR JAMES MACKINTOSH.

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There is no part of those reports and of the plan of the Right Honorable Gentleman, which I more heartily approve, than the abolition of the multiplicity of fantastic and inconvenient divisions

of this capital, by the concentration of a Police force, applicable to all, for the prevention of crime and the protection of property.

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MR. LENNARD.

I profess myself entirely opposed to the principle of the Bill of the Right Honorable Gentleman, and with reference to the point of petitions, I believe that one cause why none have been presented is, that the measure has hitherto passed through its stages without observation. While I profess myself hostile to it, I by no means intend to deny the extent of the evil; on the contrary, I admit it: and when I heard that the Right Honorable Gentleman was about to propose some plan founded on the Reports, I confess it gave me great satisfaction.

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I object to this Bill, on account of its giving unconstitutional power to the Home Secretary. The Right Honorable Gentleman states, that the division of parishes, and the watch having no communication with one another, are great evils. I admit that they are evils; but I deny that there are not other remedies for them besides this Bill. The Right Honorable Gentleman, before cashiering the parish authorities, should have ascertained whether it was not possible to establish some Board over those parish authorities, which should have compelled them to do their duty and to proceed upon a uniformity of system. The Committee which sat in 1812 recommended the appointment of a superintending power, to whose discretion might be intrusted the dismissal of persons appointed by the parish authorities. This would be a sufficient means of meeting the evil of which the Right Honorable Gentleman complains.

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This Bill has all the evil of an arbitrary measure, without the advantage of being effectual for its purpose. What I say is this—if we are to give up so much of the old principle of our constitution as to pass this Bill, I would, at least, have something effectual in return. This Bill, however, I consider altogether unnecessary, and I would much rather give the powers granted by it to a popular assembly, than to a single person. The Right Honorable Gentleman says, he makes no alteration with respect to the appointment of Magistrates, and that they will continue on the same footing as before; but. in my opinion, they cannot be otherwise than completely under the authority of the Secretary of State. I am afraid, that by this bill, a Police will be established something like the gendarmies of Paris. I must say, that I do not think that the formation of this Police will be confined to the metropolis; other great towns, such as Bristol, Birmingham, and Manchester, will imitate the example afforded them by the metropolis, and we shall have large bodies of gendarmies dispersed all over the country. I may be using, perhaps, very old fashioned language in this House, when I say that I look with constitutional jealousy at this military force being put under the control of Government, to be employed on every occasion they think fit. The Right Honorable Gentleman says, that as matters now stand, the military are often obliged to be called out to quell disturbances; but I know that great jealousy exists in the mind of the public with respect to the employment of the soldiery for that purpose, and I am afraid the people will not view with similar suspicion the employment of this new Police, as it will be considered in the light of a civil force. I must, therefore, repeat, that I contemplate with great constitutional jealousy the precedent formed by this Bill.

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MR. SECRETARY PEEL.

I must say, Sir, that when the Honorable Gentleman opposite stated that the one of the objections he entertained to this Bill,

arose from his fear, that Manchester and other great towns would follow the example of the metropolis, and form a similar Police, I could not help smiling at the remark, recollecting, as I did the acts of violence which had lately been committed at Manchester. I do hope that Manchester will follow the example of the metropolis in this respect, and that there will be some civil protection for the property of the great manufactures there, and that recourse will not be obliged to be had to the military.

MINUTE BY THE HON'BLE MR. CLERK,

Dated the 28th April 1848.

IT seems to me that the Police throughout this Presidency is on a footing, in several respects, most unsatisfactory. On the one hand, the numbers professedly employed upon, or maintained for Police purposes is great, and the aggregate cost ample: on the other, those so employed are in themselves incompetent for the service, and in some grades have other important duties to perform, or for the most part have to subsist on a pittance which is inadequate to remunerate efficient service of any kind.

2. It is now 30 years since we acquired the Government of the Deccan and Khandeish, with much of the country we rule over in Guzerat. In that period all the old freebooters of the Peishwa's time have passed away. There is a new generation of all classes, born under our rule. Local corps have arisen in each Province, and the numbers of district officers have been doubled.

3. But it is quite clear, from records before me, that crime has not decreased; that we are affording no increased protection to our subjects; that objections are raised to the reduction of the additions made to the Police, during war time, in 1838-39, and that it is but lately Rogojee Bangria successfully defied a large body of our armed Police and Regulars, and continued for years,

fearlessly to plunder our subjects, mutilate our native officers, and in various ways to insult the Government.

4. Appended to a minute by Mr. LeGeyt, I find a return of gang and highway robbery, burglary, cattle-stealing and arson in the year in the Zillahs named in the margin.

Poona, Nugger, Khandeish, Konkans, Rutnaghery, Surat, Ahmedabad, Dharwar, Belgaum and Sholapoor.

Shewing of gang robbery	769	Cases.
Highway robbery, burglary and cattle-stealing	6,162	"
Arson	234	"
Total in one year ..	7,165	"

The return gives 30 cases attended with murder and 1,993 attended with violence; and Colonel Outram, C. B., Resident at Baroda, in his late report, dated 18th January 1848, gives the gang and highway robbery, burglary and cattle-stealing, in British districts, bordering on His Highness the Guickwar's dominions in 1832, at 103 cases, and in the past year, (1846) at 1007 cases. Here we have signal proofs of the inefficiency of our present system of Police.

5. Such a state of things demand the immediate and serious attention of Government; it being our first duty to afford our subjects full protection in person and property. Without both the industrious are not secure in the possession of their hard earned property, and an inducement is held forth to the idle and evil disposed to prey on their neighbours. Thus the insecurity of the high-roads throughout the greater part of this Presidency has become lamentable.

6. Extensive and radical reforms are therefore called for. The present Police force might be doubled without any beneficial results, so long as it remains in its present condition. The reform

to be effectual must embrace the rural Police of villages and pergunnahs, the district officers (mamlutdars, mahulkurrees, &c.) the Police Corps, the magistracy and the superintendence.

7. I have, therefore endeavoured to obtain information on this subject, and I now proceed to shew all that I can ascertain of the numbers and expense of the present system. I propose also to point out the defects that strike me: and afterwards to offer such suggestions as appear to me calculated to introduce a better Police.

8. I annex abstracts marked A, B, and C, being tables formed for ready reference.

9. Abstract A shews that in the 13 zillahs or collectorates, the Police consists of the following several denominations at the cost exhibited oppsite to each :—

				Rs.	As.	P.
Column 1.	Rank and file, Police Corps Foot,	4,997	costing per an.	4,00,203	0	0
Ditto 2.	ditto Poona, &c., Horse	1,212	ditto	2,66,260	6	0
Ditto 3.	Peons solely on Police duties	2,607	ditto	1,43,221	0	0
Ditto 4.	Peons on Police and Revenue duties	5,713	costing @ ¼d salary per an.	96,969	9	8
Ditto 6.	Rukwuldars or undisciplined Police	5,318	costing per an.	1,77,614	1	4
Ditto 7.	Village Jagheers, &c., &c.	18,239	ditto	2,48,603	0	10
Ditto 8.	Shetsundees, Sowars, Puggees &c,	32,239	ditto	3,87,724	12	1
Ditto 9.	Mohwassee, or Local Police Horse and Foot, under chiefs	1,664	ditto	84,574	0	2
	Total number	71,989	Total Rs. ...	18,05,169	14	1
Add Establishments of European and Native Assistants, &c., &c.,				2,06,147	4	0
				20,11,317	2	1
Deduct as per note D in Column 9				3,420	0	0
			Total Rupees	20,07,897	2	1

10. Columns No. 11 and 12 shew that there are 17,358 villages inhabited, and 1,477 uninhabited, covering an area of 88,230 square miles, over which the Police is scattered.

11. Columns 15 and 16 contain a statement of the stolen property recovered and unrecovered in the years 1844 to 1846, inclusive, the former being Rs. 2,73,112, and the latter 20,10,006. The amount of rewards granted in the same period to informers is Rs. 16,816, (*vide* Column 17.)

12. Columns 1 to 6 of Abstract B, shew that there are 88 European Magistrates and Assistant Magistrates in the 13 zillahs, some of whom are also revenue officers, Bheel agents, &c., &c. Columns 7 to 19 exhibit 17,660 native functionaries exercising different degrees of penal powers, many of whom also are revenue officers. Columns 32 and 33 shew, that in the year 1844 to 1846 inclusive, there occurred in the 13 zillahs, and remained undiscovered, 3,127 daring robberies and 136 murders.

13. I shall now refer to some of the items in the abstracts, and endeavour, before proceeding further, to complete our Police statistics, as far as the returns I have obtained will admit of.

14. It seems from paragraph 9 of this Minute, that exclusive of peons, &c., &c., employed on "Police and Revenue duties," our constabulary force of all arms, whether hereditary or stipendiary, paid in land or cash amounts to the enormous number of 71,989, (besides the Kolapore Light Infantary, Sawunt Warree Rangers, the Poonah Horse at Head Quarters, or on detached military duties, and the Irregulars in Guzerat, now on Police duties) costing annually Rupees 20,07,897-2-1; but this by no means includes all

charges on account of the Police, for there must be added the following:—

Exclusive of Deputation.	13 Magistrates at ⅓rd salary per annum	Rupees	1,15,933	5	4
	1 Joint ditto at ⅓rd ditto	,, ...	5,600	0	0
	35 Assist. ditto at ⅓rd ditto	,, ...	81,200	0	0
	22 Military do. at whole Staff pay per annum	,, ...	*1,20,000	0	0
	9 Medical do. ditto	,, ...	16,200	0	0
	112 Mamlutdars at ⅓rd salary per annum......	,, ...	61,254	0	0
	94 Mahulkurees at ⅓rd ditto	,, ...	14,268	0	0
	7 Police Amils whole salary	,, ...	11,856	0	0
	6 Foujdars and 1 Naib ditto ditto	,, ...	†2,094	0	0
	12 Joint Police Officers ditto	,, ...	†4,050	0	0
	16 Kotwals ditto	,, ...	†2,346	0	0
		Total Rupees	4,34,801	5	4
		Which added to	20,07,897	2	1
		Gives a Total of Rs.	24,42,698	7	5

annually expended on account of Police; and a further reference to the Magistrates would, I have no doubt, elicit a considerable additional charge incurred on this account. I have, for instance, been unable yet to procure any satisfactory estimate of the large item composed of cost of buildings, arms, and contingencies.

15. Were there no other evidence than that our Police establishments number 71,989 men, costing annually in land and cash, say thirty lakhs (30,00.000) of Rupees; that in the three last years for which returns are procurable, the unrecovered stolen property lost to our subjects, amounting to Rs. 20,10,006, while the untraced daring robberies and murders were, in the same period respectively, 3,127 and 136, and that no confidence in the Government Police is felt even by the European residents in civil stations,

* This is given in round numbers, but it is supposed nearly correct. The net pay only is drawn by many in the Military Department, the remainder being Civil Staff pay. There are also 12 other Military Assistant Magistrates in the Survey, Thuggee, and other departments.

† Denote that a portion of the salary of these have been included in the general Statement of Cost (A) among the European and Native Establishment.

or in military cantonments, who, as a general rule, maintain watchmen paid by themselves to protect their property from robbers; we have sufficient proof of the urgent necessity for applying ourselves to the consideration of that vital element of the welfare of the subject, the Police of the country.

16. The duties expected from the Police establishments of this Presidency are, strictly police duties, which here, as elsewhere, are :—

1st.—To prevent and to detect ordinary crime against person and property, and to preserve the general peace of the country.

2nd.—Magisterial duties, which fall on the mamlutdars and magistrates, and their assistants, whose duty it is to prepare cases for trial before the judicial authorities of a grade higher than their own and, to try and to decide the less important cases.

3rd.—Miscellaneous duties, such as guarding jails, escorting treasure, &c., &c. It should be borne in mind that neither of the two latter classes of duties have any essential connection with Police duties, properly so called.

17. The returns before Government prove the truth of the general impression that, ordinary violent crimes against person and property are annually increasing; and, when it is considered that the general pacification of the country has been long effected; that the large class, already adverted to, which we found existing as half soldiers, half robbers, has died off, or settled to more peaceful pursuits, it is evident that the increase of crime, among the population in general, is very serious.

18. Difficulty of obtaining subsistence, disaffection to Government, or any similar cause, is never alleged as the general or

continuous cause of this frightful increase of crime; no hypothesis is, in fact, ever offered to account for it, except that the impunity of crime is greater now than formerly; that the duty of preventing and detecting crime is not efficiently performed. It is our boast that we have given to the country perfect general peace and freedom, both from all alarm of foreign invasion, and from danger of successful internal rebellion; yet, it would seem that, whenever any thing resembling rebellion does occur in this Presidency, in all that relates to early warning of the impending danger, the speedy detection of those implicated, and the consequent early suppression, and certain punishment of the rebels, the Police is lamentably deficient. The outbreak generally takes the authorities by surprise, and is only suppressed by the expensive and cumbrous expedient of employing large bodies of regular troops, and the real ring-leaders are frequently either undiscovered, or, if known, escape capture. The Ramoosee, Bheel and Cooly-bunds are not popular insurrections. They usually begin with gang robberies, which go on increasing in number and daring, and unpunished, till the peaceable inhabitants become more afraid of the robbers, than of the terrors of the law for harbouring them. But the rebels never bring any formidable military force into the field; nothing in fact but what the Police, if efficient, ought to be able to cope with and subdue. As far as the Police, therefore, is concerned, it cannot be said that even the duty of preserving the general peace of the country is efficiently performed.

19. After possessing the whole of this Presidency for so many years, and having in some respects greatly improved the administration of justice, it is not creditable to the British Government that life and property is no where safer, as in quiet times under the native Government.

20. Our laws are partly to blame. By abrogating the ancient custom of holding communities, to a certain extent, responsible for crimes committed within them, and which they might have

prevented, by requiring evidence, which shall not only satisfy the Tribunal which hears it, but, when written down, convince one who is absent, by a generally cumbrous and tedious system, in which fulness of record seems more studied than general efficiency of action, by insufficient severity of punishment for violent crimes and over-tenderness for those who have no obvious honest means of livelihood, and who, notoriously, sometimes avowedly, live by crime, but who are not clearly proved to be guilty of a specific offence laid to their charge; and by other defects in our laws, we offer a degree of impunity to crime, which acts as an encouragement.

21. But it sometimes occurs that, with all these legal disadvantages to contend against, the system has been efficiently worked by energetic men. It is, therefore, to be presumed that there is, besides defective laws, some other cause of the general evil which exists. The fault can hardly be laid to the system itself, as a whole; because, in its essential outlines and nominal gradations of duties, it is much the same as systems of known efficiency. It may vary in detail, but very similar systems might be cited, which cost less, and in which fewer Europeans are employed, but which are nevertheless far more efficient.

22. Gang robberies increase in a district, till there is a general insecurity of property, unless the owner himself undertakes its defence, and prepares accordingly, as if there were no Government in the country. The offenders, in a majority of cases, are seldom efficiently foiled or subsequently detected. This, I believe, has not been an unusual state of things, in more than one of the Provinces of this Presidency of late years; yet in such cases the blame has never been fairly fixed on any one cause. The village Police, though sometimes convicted of negligence, and oftener of being afraid to act, seldom come under penalties. The district officers are usually reported to have acted up to the regulations. The zillah authorities say, they have done as much as their revenue

duties allow them to do, but crime is neither checked nor detected. Yet, in all such cases there is clearly apparent a general slackness and want of activity, and the reader lays down the report or return without being able to say, that one has been more to blame than another, but with a general impression that, had the whole been managed with more energy, such things could not have occurred.

23. By considering in detail the duties of every branch, and its fitness for the discharge of them, it may, perhaps, be possible to discover, to what is owing the influence which paralizes the whole body.

24. The police establishment of this Presidency consists of the following elements :—

1*st*.—Village police, under the superintending authority of of the village patell he has under him.—Village watchmen, generally hereditary, and reports to the head of the

2*nd*.—District Police—the police umuldar, a mamlutdar or mahulkurree, whose duties are of a mixed nature, revenue, police and judicial, he has under him peons, some stipendiary, others, in the southern zillahs, hereditary, and all discharging both revenue and police duties. He reports to the head of the

3*rd*.—Zillah police, a magistrate who is also a collector, and has European assistants, some of whom are also assistant collectors, others officers of the police corps generally disciplined as regulars, and under European officers ; they have also to perform duties unconnected with the police, in guarding jails and escorting treasure, &c. &c. &c. &c., irregular horse, also generally commanded by European officers. The magistrate reports to the

knows is of constant occurrence, and something similar to this is the last that is ever known, by our Police officers, of a great majority of the crimes committed. How different is the result when, from any peculiar circumstances, the search is prosecuted with real activity ; nothing can then exceed the zeal, patience, and tact of the village watchmen ; escape from them seems almost impossible; or, if effected, you have some certainty substituted for the vague information "that a crime has been committed, and that after the "offenders were followed a short distance, all trace of them was lost," which is now, so generally, the end of a Police enquiry.

27. All this shows that it is not so much this part of the machinery which is in fault as the want of activity in working it. The instances of general inefficiency are almost always accompanied by signs of want of energy in the suprintendence; while energetic supervision rarely fails to secure successful results. We may therefore, assume that could we secure such supervision, as the general rule, the village Police might again be made efficient; and we must look to some of the superintending authorities for the cause of the ordinary failures.

28. I intend the above remarks for the Police in agricultural districts; in large towns, something more has always been, and ever will be required; and, in such localities, a more regular organized and trained body is required.

29. The district Police is with a few local exceptions, all stipendiary. There is no difficulty therefore as in the case of the wuttundar village officers, in altering duties and establishments as may seem desirable. The mamlutdar and, except in Guzerat, the mahulkurree, are, as ' police umildars," the superintending authorities, employing under them, to write, to execute process, or make enquiries; the karkoons and peons who always serve for similar duties in the revenue branch. With regard to all these parties, it may be observed, that their police duties are generally

subordinate to those connected with the collection of revenue; no degree of efficiency, as a Police officer, will do much to advance a man, unless he be also a good revenue officer; but a good revenue officer will always get on, if he can only keep clear of absolute blame in Police matters. This estimate of the qualifications of officers is applied to all classes, European as well as native, and to so faulty and absurd a system is to be ascribed, in great part, the inefficiency of this costly Police; for of course the natural and inevitable tendency is, that the officer gives all his zeal and attention to revenue duties, and takes no more trouble with the Police than may suffice to avoid blame.* The effect of this is visible in almost every case of failure of a Police enquiry. Even in very serious cases, the mamlutdar pleads that he is prevented from repairing to the spot, by important revenue duties. To incite, direct, and combine the exertions of the village authorities, he dispatches an inferior and irresponsible karkoon, on receiving whose report, the police umuldar devotes to the enquiry such time and attention, as he thinks he can spare from pressing revenue matters; and the portion devoted is, of course, far less than suffices for efficiency of police. He has also to prepare criminal cases for trial before the magistrate, and to dispose of the less important

* The following remarks by Mr. LeGeyt are, many of them, very just and much to the point. The Mofussil Officers who are entrusted with Police duties, both European and native, are unable to give their undivided attention to Poolice matters; Police, in fact, is not considered to be their first duty, it is subordinate to their fiscal and revenue occupations. "For the Europeans, the path of promotion and distinction is not the "department of Police, but that of revenue."

"There are no rewards for able Police officers, no prestige even attaches to ability in "this department obtaining for its possessor credit in the eyes of Government, or "among his fellow servants.

"A Collector who devotes this principal part of his attention and time to the "Police of his district, would, in all probability, be found deficient as a revenue "officer perhaps only from want of time to attend properly to both. His conduct as "a revenue officer comes immediately before Government. His ability as a Police "man is scarcely known; and in the case supposed would be lost sight of in the "obloquy cast on him as a bad collector; among the native subordinates, the same "depressing cause also exists to a great degree; it is not impossible that a subordi-"nate officer may gain credit for his activity and zeal in police duties; but he will "never be made a mamlutdar unless he shows considerable fiscal ability and know-"ledge, and he has not time to acquire fame in both departments, even had he the "capacity."

Mr. LeGeyt goes on to say that "the most important measure for improving the Police," meaning the Executive Police, "would be to separate it entirely from other fiscal or judicial duties."

himself; and the trial of a prisoner, whose detention in custody might bring down censure, must generally take precedence of the active pursuit of a greater criminal still at large. I have had abundant opportunities of observing, since I have been conducting this Government, that the Magistrate is chiefly occupied with revenue matters, and that nothing in the shape of police duties is ever the mamlutdar's first object.

30. Mr. LeGeyt has recorded an opinion, that the Police of the country is, and ever must be, most efficiently controlled by the Court of Foujdaree Adawlut, and it is admitted by the same officer, that collector-magistrates cannot possibly bestow on Police the attention which it deserves. Such admissions are important, coming as they do from an officer of much experience in Police, backed as they are by the reports of the several magistrates, in respect to the occupation of their time and attention by revenue duties.

31. The natural remedy which suggests itself is, to divide the duties, and give them to different men, to leave the Police officer as far as possible unfettered by revenue or judicial duties. But to put a Police officer, paid as an entirely independent officer must be, by the side of every mamlutdar or mahulkurree, would involve, either a heavy increase of expense, or the reduction of salaries not at present by any means too large to secure efficiency and honesty. And there is a more serious objection to the entire separation of the two departments. I do not think either would be as efficient, certainly not as influential, if the officers were perfectly distinct and independent, as they might be made, if united under a system which left certain competent Police officers always able to devote undivided time and attention to enquiries now expected of those who are engaged with important duties.

Superintendence.

32. At present, the supervision by Judicial Commissioners of Police is confined to the period they are on circuit; at all other times the Sudder Foujdaree Adawlut collectively perform the office. Mr. LeGeyt suggests

that the Judicial Commissioners should be the Superintendents of the Police of their respective ranges, an idea in which I concur, as a temporary measure, hoping that certain reductions, including those which the present Police force is capable of sustaining, without injury to its efficiency, may in time admit of two superintendents of Police being appointed, one for the northern, and one for the southern zillahs of the Presidency. Mr. LeGeyt adds that the additional establishment they would require (a sheristadar, two karkoons and probably two English writers,) might be supplied from that of the Register of the Sudder Court.

33. Thus the Judicial Commissioner periodically, on at our of his charge, would be well versed in the working of the Police, without involving any extra outlay. He would be responsible, and from his local knowledge qualified officer, to overlook the subordinates in his range; instead of a Board. For he should be empowered to do, in his individual capacity, in respect to Police, all that he can now do, as one of the Sudder Court, and by this means, the system which I would now introduce, will be subjected to the superintendence and observations of more than one experienced commissioner in turn. The Judicial Commissioner, as general superintendent of the Police of his range, should correspond direct with Government and the magistrates.

34. The superintendence of the Police by the Sudder Court in their corporate capacity should thus cease; and I propose that the continuance of its inspection, as now, by the judges, individually, should only last for another year; for it may be safely asserted that there are not necessarily any two qualities in common, between a good Judge and a good Superintendent of Police, except the industry, patience and uprightness, which all public servants ought to possess. It is the duty of the judge to know nothing of matters which can come before him judicially, but what he hears and sees in Court. Universal knowledge of every thing that passes, which can affect crime or criminals, sought often from sources the least

pure or creditable, is the aim of the Police superintendent; the judge must confine himself to what is clearly established before him, or what may be logically deduced from it. It is a mark of peculiar sagacity, in a Police officer, to jump at right conclusions, from the most trifling evidence, and often from data quite imperceptible to all but his practised eye. The personal zeal and interest with which the Police officer tracks the criminal, are diametricallly opposed to the temper of him, who can evenly hold the scale of justice, and who is expected, in administering justice, to lean, in all doubtful cases, to the side of mercy. It is true, that some of the qualities enumerated are less needed in the superintendent than in the subordinate police officer; but if he does not need them himself, it is essential he should have some sympathy with those who do, and who are to be instigated by him, to the exercise of such qualities. This is hardly possible, if his own character be the direct opposite.

35. It may, therefore, be safely said, that the union of the characteristic excellencies of a good Judge and good Superintendent of Police, is among the rarest combinations which can be expected from human nature. It follows, necessarily, that, in proportion as the members of the Sudder Adawlut are well selected for their most important duties, as Judges of a Supreme Court of appeal, they must be unfitted to superintend Police; and it is, therefore the reverse of a reflection on them to say, that their superintendence has been most unproductive of good, and that much of the present inefficiency of the Police seems traceable to the attempt, to combine, in that one body, duties utterly incompatible. In fact, hardly a question affecting the Police can come before the judges, by petition, which may not be viewed in two totally different lights, accordingly as it is considered an appeal to a Court of Justice, or a reference to the supreme Police authority. To state a very common instance, a notorious bad character is imprisoned, in default of finding security for good behaviour. He petitions the Sudder. The impulse of the superintendent of

Police is, if there be any informality, to correct it at once, and keep the man in confinement, but the upright judge is bound to discharge him, except his guilt be clearly established.

36. Perhaps the most obvious evil of our present system of superintending the Police is, the entire ignorance, in which Government is kept, as regards all that forms the most anxious part of a Home Secretary's duties, in a constitutional Government like England. When crime has increased to such an extent that no man is safe, unless he can protect himself, or when actual rebellion has commenced, the attention of Government is attracted to the Police of a district, but in ordinary times they are entirely dependent on periodical reports, in which it is often difficult to distinguish the Police from the magisterial matter, and which give little information regarding the temper, habits, or feelings of the people, their disposition towards Government, whether any, or what classes are prone to crime, and how far our system of preventing or detecting it be suitable, or otherwise.

37. To supply this want I would take the superintendence of the Police under the direct control of the Government, and with a view to assist Government, especially by means of local inspection, appoint hereafter a general Police Superintendent, or Commissioner for the whole Presidency. It should be the duty of this officer to visit, in rotation, every zillah, especially those where the Police system is least perfect, and to satisfy himself by local enquiries, and personal observation as to the condition of the Police; zillah police officers should, except in emergent cases, correspond with Government, through him, and he would aid Government with his opinion and advice, on all questions affecting the Police of the country. I would propose to provide for the expense of creating such an office by reducing one of the judges of the Sudder. Inefficient, as I believe, the control of such a body must necessarily be, the Police business adds materially to the duties of the court; and I see no reason to

suppose that three judges would not be quite sufficient to get through the purely judicial business which comes before it; moreover, if they are relieved of the duty of inspecting the Police the Judicial Commissioners need not visit every zillah annually; a visit every second year would, I think, secure every purpose of inspecting the judicial establishments; and this would leave the full Sudder Court all present, for a large portion of the year than is now practicable. The establishment of this system of superintendence would, I believe, be the only part of the plan I have proposed, which would render necessary any changes in the existing law; and, therefore, it is that, before applying to the Legislature for the necessary powers, I would try the system for a short time under the present Judicial Commissioners, merely directing them to correspond on all Police and non-judicial matters direct with Government. But, for the reasons above stated at length, I am quite satisfied, that we can never expect to see our Police what it ought to be, as long as its superintendence is left to men chosen for their qualifications as judges.

38. The "collector and magistrate" may often be 100 or more miles distant from the scene of any crime committed in his district, and as a general rule, his personal attendance, at any Police enquiry held on the spot where the crime was committed, and the relinquishment of all other business, to trace out the perpetrator, is seldom, and, I believe, never practised. The case is not very materially altered when the officer in charge of Police is an experienced assistant, with the full powers of magistrate, the devotion of his undivided attention, to the detection of the perpetrator of any one crime, is quite rare, and in the present state of the service, the duties and responsibilities of every experienced assistant are little less varied or onerous than those of collector. The consequence is, that almost every thing connected with the Police is done by both the magistrats and assistant on reports received at second-hand from the district Police officers. The few instances in which an able

Magistrate.

magistrate can personally take up the Police enquiry into any crime, or class of crimes, are only sufficient to show, by their success, the benefit which would result, from having an officer of that class and training always available to devote himself entirely to such investigations.

39. Yet it is difficult to determine on an entire severance of the two departments. Even at present, with all the aid derived from granting magisterial powers to the civil surgeons, the paucity of qualified magisterial officers is such, as often to impose great hardships on parties, or witnesses, dragged to such distances from their homes, as to make the administration of justice a grievous tax on the time, the pockets and the patience of all concerned; and it is obviously impossible to separate the two departments, and yet leave as many magisterial officers distributed over the country as at present. Moreover, the judicial parts of a magistrate's duties are as heavy a clog on him as his revenue avocations. Almost any revenue business may, in extreme cases, be postponed for days together; but a delay of days to decide a case, when prisoner and witnesses are all in attendance, is certain to incur remark and censure; and it would require great reliance on the part of his superior authorities, on the zeal and judgment of a magistrate, to be persuaded that the period of such delay was well employed in prosecuting an enquiry into a robbery, attended, perhaps, after all, with no immediate success, and which to judge from results, might as well have been left to a subordinate karkoon. But, merely to separate the offices of collector and magistrate will not materially improve matters, as far as the Police is concerned. A sufficient remedy for the evil just adverted to appears to me to be to give the magistrate an assistant for the sole purpose of superintending the police, and of devoting, when requisite, his whole time and attention to investigate any particular crime or class of crimes.

Superintendent of Zillah Police proposed.

40. To this office, I would, as far as the existence of such corps admit of, appoint, in each zillah, the commandant of such corps under the desig-

nation of superintendent of zillah police. He should be invested with the full penal powers of magistrate; but it should be distinctly laid down that he was to devote himself entirely to the Police, and that as long as he had any Police duty to do, he was not to employ himself in deciding magisterial cases, nor, on any account, to have such magisterial charge of any district or city, as might involve such duty, or tie him to any one spot. He might have under him such number of assistants, European and native, as the extent and importance of his charge might require, and they should be accountable to him alone; they might, in the first instance, be drafted from the collector and magistrate's present establishment, and form as "Police" a branch of the magisterial establishment. The district joint police officers should report direct to this assistant magistrate, as superintendent of zillah police, in the manner above pointed out, and receive their instructions direct from him. All important cases for trial he should hand on to the magistrate or judge, as the case might be, as soon as he had completed the Police enquiry. The magistrate would compile and hand up, as at present, all returns of trials by himself and assistants, and committals for trial before the session judge. But all strictly Police returns of accidents and offences, as well as special and periodical reports on police subjects, should be prepared and handed up by his deputy, as superintendent of zillah police. In ordinary cases these might be sent to the hoozoor magistrate's cutcherry, where a copy would be kept for the magistrate's information and for record. In emergent cases, the report might be sent on direct, the Magistrate being subsequently furnished with a copy.

41. The hoozoor peons, now discharging both revenue and magisterial duties, should be divided, and a due proportion of those devoted to the magisterial department should be assigned to the superintendent of zillah police. All local police corps should be placed under his exclusive control; but I would recommend an entire change in the constitution and duties of all these bodies.

42. The Sudder Foujdarry Adawlut was called on, by our letter of the 25th February 1847, to submit its ideas in a proposal to effect a reduction, in the strength and cost of the several Police corps in this Presidency, and, in reply, a summary of information on the subject, gathered from the several magistrates and commandants of those corps, was submitted in a report dated the 30th September last, refers to the corps in the margin.*

Police Corps.

* Khandeish Bheel Corps.
Ghaut Light Infantry.
Ahmednuggur Police ditto.
Rutnagherry Rangers.
Poonah Police Corps.
Guzerat Police Cooly ditto.
Surat Seebundies.

43. The magistrates of the zillahs in which these corps are located, and their several commandants, are all opposed to any reduction being made in the strength or cost of these armed bodies. In some instances an increase in strength is said to be necessary. The judges collectively offer no opinions, and it was scarcely to be expected, that the local officers, whose views they sum up, would suggest any decrease. Establishments seem to have been generally increasing, though it might have been hoped that, some suggestions would have been laid before us, whereby by economising and centralising, as for instance in passing treasure under one escort periodically, from many districts to the sudder station, the duties of the Police corps would be lightened, if not so as to admit of a reduction, at least to avert the necessity of any further increase. But the objections offered to a decrease in the strength of these corps, may be attributable to their being organized on a false basis. They are of too military a description, while duties are expected of them quite incompatible with military education and discipline.

44. The commandants and magistrates in many instances, urge the necessity of there being a sufficient number of men at head quarters for drill, and both would seem to value the corps more as a military than a police body. The commandant being but an assistant magistrate, though perhaps of many years' service, and possessing not the necessary magisterial and judicial power in the

province, for insuring his zeal and energy being devoted to the efficiency of the Police, he applies both to the military perfection of the corps he commands, while the power of the magistrate, as head of the Police, tends to neutralize that of the actual executive officer.

45. I observe that in 1840, it was directed that 100 men of the Guzerat provincial battalion should be kept at head quarters for drill and instruction, and for acting on emergency. Some magistrates urge the necessity of men on outpost duty being often relieved; others, that those men should supervise the country around their posts. It is supposed that the means of relief are to be found, by always having a number of men at head quarters. But men can exchange posts well enough without this, and the latter proposition lays down a duty at variance and incompatible with military education and discipline.

46. In other instances, magistrates urge the necessity of at least retaining their corps on the present strength, on grounds that seem to me strange; for the frontier adverted to with apprehension is not that of a foreign state, but one of our own contiguous districts, districts which have been for a quarter of a century under our rule; districts in which large sums have been expended by us, as in Khandeish and some parts of the Deccan; on Bheel agencies and the settlement of the predatory tribes to agriculture; districts, in some of which corps, composed of those tribes, have been in existence for years, and in all of which corps, the establishments have steadily increased, in order further to place at the disposal of the local officers, increased means of suppressing crime.

47. The several magistrates and Police officers of zillahs should be apprized of our disapproval of the present military organization of the local Police corps, that we want scouts, trackers, men possessing the quick intelligence and observation that will

lead to information of intended outrages, and to the apprehension of criminals, and not men who can correctly perform military evolutions. They should also be told, that we see no necessity for more men at head-quarter of a Police corps, than will suffice for the duties indicated in paragraph 11; and if their European officers possess intelligence and zeal, they will see sufficient of their men at the outposts.

48. Great improvement may be effected in the transmission of treasure, and prisoners to the sudder station from distant pergunnahs. When a remittance has to be made to the sudder treasury, the collector should endeavour to hand it on from pergunnah to pergunnah, the guards returning to their own post on delivery to the pergunnah in advance of their charge, a peon, &c. &c., remaining with it to the end. In conveying our orders on this point to the collectors, they should be informed, that our purpose is to economize time and outlay; and the immediate return to each post of the escort detached from it, instead of its proceeding, as now, for many marches to the sudder station, will admit of a reduction in the strength of these posts, and, of course, of a corresponding reduction of expense.

49. To practice economy where it is so much needed, and to meet the cost of alterations, which I would recommend, with a view to render the Police more efficient, it is necessary to reduce these local corps. They should be undrilled and undisciplined in the military sense of the expression. Irrespective of reductions that have been ordered, which were intended to bring these corps down to the strength of which they consisted in 1838—all drill masters, drummers and buglers ought to be discharged. These corps should furnish only jail-guards, treasury-guards, those at the mumlatdar stations, at the city gates, at the Magistrate's house; and, in short, the fixed guards only.

50. The returns I have received show 510 men of the Bheel corps at its head-quarters; 210 men at the head-quarters of the

Ahmednuggur corps, and so on. This part of the mistaken system of misapplying these men to military duties, I would recommend the reduction of all the Police corps to two scales of 350 and 300 men. The larger number to be the strength of the Police corps in the zillahs where there is most to do, as thannah, &c., and the latter for the remainder.

51. The military equipment and training of our Police corps may have been necessary, when the absence of a large portion of our regular army, on foreign service, made it imperative on us to throw on the Police many of the duties of regular troops, and to have some substitute, for the latter ready to take the field, in case of emergency, but the result has been utterly to spoil the local corps, and it is melancholy to think that so much zeal and labor should have been expended by some of our best officers in making these bodies totally unfit for their legitimate duties. As the temporary cause no longer exists, no time should be lost in restoring these bodies, as far as possible, to a condition to perform the duty for which they were intended, and the numerical strength of the Police corps may then, without prejudice to their utility as Police, be reduced as I propose. Strict orders should then be issued, utterly to abolish every thing military in their dress or equipment, which has not reference to their efficiency as Police; even their present distinctive appellation should be abolished, and they should be called simply the ("Tannah Police," or as the case may be,) "Police"—no drill should be permitted, except what is required to teach them to march, and to use their firelocks with regularity and precision: and their dress should be of the ordinary native form and materials, and, if woolen, of some dark and in conspicuous color. It may be observed that active men so equipped, and acquainted with the use of their arms, will be more efficient for guarding small bodies of prisoners or treasure, than the best drilled of the present Police corps.

52. An exception should, I think, be made with regard to Guzerat and Khandeish, where it is desirable to have a corps of

the Bheels of the country, qualified to take many of the duties of regular troops, not only with a view to give employment to a lawless tribe, but to provide for the legitimate duties of regular troops, in districts where the unhealthiness of the climate is such as to render it impossible to employ, even regular sepoys, if natives of other provinces. I would therefore still retain these corps as military bodies, with their present names on a reduced establishment, under the orders of the superintendent of zillah police; transferring supernumeraries to his establishment for general police duty. The employment, in these corps, of any but the tribes of which it was originally intended they should be composed, one irregularity, which is now so common, should be strictly forbidden.

53. A few horsemen are essential to the efficiency of every Police establishment in this country. By a process, and from causes identical with those who have converted our Police corps into regiments of infantry, our Police horse have been changed into regiments of irregular cavalry excellent, I believe, in constitution and discipline and most efficient, as their actions in the field testify; but what the army has thereby gained has been lost to the police. A detachment of these horses is still stationed, I believe, at many of our thannahs; but they are there, not to aid the Police in preventing and detecting ordinary crime, but to preserve the general peace of the country, and seldom move out except when it is threatened.

54. One of these cavalry regiments, "The Poona Irregular Horse," however, are an integral part of our Army, subject to martial law, and they have been distinguished in action, in a manner which makes their reduction, to an ordinary body of mounted police, quite incompatible with a due regard for their past services. With respect to this corps, therefore, the proper course appears to be, to ascertain, in the military department to what extent they are required as a military body, and, by a prospective reduction, to bring down their numbers to that stand-

ard; men who have no service-claims might be transferred at once to the zillah police; and in the case of those in excess of the number required for military purposes, who have such claims, the transfer might be effected as vacancies occur. The regiment might be reduced to 320 sabres without diminution to its efficiency otherwise than in numbers; 376 men costing now Rs. 10,191 per annum would thus be available for Police duties in the Deccan and Khandeish.

55. The same might be done with the Guzerat horse. If, in a military point of view, a regiment of irregular cavalry is required there, let it appear as a military charge; those not so required will be available as Police horse. It is, however, to be borne in mind that part of the expense of this corps is defrayed by His Highness the Guicowar, whose interests must be consulted in every arrangement to be made regarding it. Such men as may be discharged on these reductions of Police corps should receive a bounty for which application will require to be made to the Government of India, where the subject is still under reference from us. I should hope, however, that many would prefer to take service as peons, or zillah horse, under the superintendent of zillah police.

56. With a body of Police, both foot and mounted, relieved from all necessity for keeping up a show of military efficiency, and devoted to their legitimate duties of preventing and detecting crime; with a district officer in every cutcherry, set apart in a manner which I shall presently propose for Police duties, and with authority over all the village police officers, I cannot but think that an active superintendent, in each zillah, will speedily bring the Police into the desired state of efficiency. It may be urged, on the other hand, that a system, something similar to this, already exists, without any marked beneficial results in part of this Presidency; but a moment's consideration will show, how totally different is the proposed system, from that now in force.

At present there are numerous European officers, selected from the army, employed in command of police corps; but it may safely be said that, with the exception of organizing these bodies, on the model of troops of the line, it entirely rests with the magistrate and with the officer employed, whether the latter shall have the real control of the Police, or be merely an additional assistant magistrate, or have nothing whatever to do with either Police or magisterial duties; where the officer is able and willing, and co-operates with the magistrate, the Police is left much in his hands, though, directly, he has little of the credit or responsibility; at other times he has charge of districts, or a city, as an assistant magistrate, and spends the greater portion of his time in trying cases; while if indifferent to his civil duties, he may entirely avoid all but such as are connected with the corps; to which he may also be confined if, however, able or willing, he happen to be on bad official terms with the magistrate, who has the power to stifle the most just remonstrance, or to refuse to hand on the best considered plans of reform. I think under the proposed system this will be impossible. The duties and responsibilities of each party will be defined, and while the magistrate cannot be indifferent to, or ignorant of, what the Police are about, the arrangement of definite means will rest with the superintendent of zillah police; he will be in direct correspondence with those who have the general control of the Police of the country, and the praise or blame, of success or failure, will be his.

57. It may be asked what object is to be gained by having the Police Superintendent so nearly independent with still a nominal subordination to the magistrate? I would answer, that the object is similar to that of having the Commander-in-Chief of an Army, in a very similar position towards the governor of a country, or, as a medical officer, under the commandant of a military body; in each case, a certain degree of control is necessarily left in the hands of the party, who possesses the chief authority; but he exercises no interference in the technical details

of his subordinate's measures, though he has the means of preventing or checking glaring misconduct in professional matters. But I would chiefly rely for satisfactory results of the plan proposed upon the proposed improvements in the mode of general superintendence.

Mamlutdar.

58. There can be no doubt that the knowledge and influence the mamlutdar now acquires, as chief revenue officer of the district, must sometimes be of important service in his discharge of Police duties; while deprived of all Police authority, he would entirely lose his present character of governor of the pergunnah or district, and we may frequently perceive, that the more we depart from ancient usage in this respect, the less efficient does our system become in all its branches. This would more particularly be the case, if we also took from him, along with his Police powers, his duty of deciding magisterially trivial criminal cases, and preparing the more important for trial before the magistrate; a duty essentially distinct from that of Police officer, but which could hardly be left in his hands, if we took from him all Police authority. It is a common remark among intelligent natives, that in separating the administration of civil justice from the office of mamlutdar, we have made a considerable sacrifice of the influence and respectability of the latter. At present, notwithstanding the higher pay and generally higher official rank of the moonsiff, be usually, in the eyes of the people, still ranks subordinate to the mamlutdar, as the representative of Government and civil governor of the district; but, were the mamlutdar reduced to a mere collector of revenue, there would be some difficulty in deciding to which of the three independent authorities, the moonsiff, the mamlutdar, or the police officer, belonged, the attributes of representative of Government in the district; and the subject deserves graver consideration than on a superficial view it would appear to merit, when we see the confusion which invariably follows the abuse of such a representative, from a native community, especially in times of difficulty and danger. Besides, it is

to be borne in mind, that the great and obvious evil, at present, is the want of any one person in authority, to devote his undivided time and attention to trace out a difficult police case; and there is no apparent reason to apprehend, that such officer would be less efficient, if he were not entirely independent of the present district Police officer, whilst much might be adduced to prove that, in some circumstances, he would derive advantage to his peculiar duties from such connexion. It will, therefore, I think, be sufficient if, in each district, one of the mamlutdars or mahalkurree's present karkoons be invested with the office of joint police umildar, freed from all revenue or general duties, and devoted entirely to Police enquiries, he should be selected, in the first instance, for his general intelligence and activity, and, in all districts where the Police duties were important, it might be laid down that, as vacancies occurred, he should, if efficient, succeed to the pay of the 1st or 2nd karkoon, or even, (if the Police duties were of a relative importance to justify the measure,) that the mamlutdar's pay should be reduced, (on occurrence of a vacancy,) to make up adequate remuneration for his deputy in Police matters, whose pay should thenceforward be fixed at such enhanced standard. In all important and urgent matters, when the mamlutdar was not at hand, the joint police umildar shall correspond direct with the officer in charge of the zillah police, keeping the mamlutdar also always duly informed of what might affect the general peace of the district. His head-quarters would be the mamlutdar's cutcherry; when there, he would conduct his duties like the foujdar of a large town as the mamlutdar's subordinate, but possessing a department of his own for his acts, in which he was amenable to a common superior.

59. As regards periodical returns, care should be taken to distinguish strictly Police from magisterial returns. Statements of accidents and offences reported, from lists of cases decided or handed on to other authorities. The Police returns should be prepared and signed by the joint Police officer, and sent by him

to the officer in charge of the Police of the zillah, through the mamlutdar, who should make copies of his own records, and for transmission to the magistrate. The returns of cases received, heard, and decided or handed on, should, as at present, be prepared by the mamlutdar, and handed up to the magistrate. It should be distinctly understood, that the trial of petty cases, and the preparation of the more serious ones for trial by superior authority, should rest, as at present, with the mamlutdar. The functions of the joint police officer should be strictly Police, the prevention and detection of crime and not judicial. He should collect evidence, but have nothing to do with the trial or decision. This will leave him always ready to proceed to the spot where any crime had been committed, the investigation of which required his presence. In particular districts, where the Police duties required it, one or more of the subordinate karkoons might also be transferred to the Police department, as assistants to the joint police umildar.

60. A division should be made of the body of district peons, the proportion which might be judged requisite for the Police duties should be transferred to the Police establishment, under the orders of the joint police umildar, and shown separate in all returns. He should have the same power to punish them that the mamlutdar now possesses, and this should be the case also as regarded his control over the village police establishment.

61. Among the advantages which I anticipate, in addition to those above alluded to, from leaving the joint police umildar under the restrictions enumerated, on the establishment of the mamlutdar, may be mentioned the opening it will afford, for always securing the services of active men, where the two branches entirely separate and distinct, the means of getting rid of men, who, though still efficient for revenue duty, were become deficient in bodily activity, would be very limited; many of our native revenue servants do excellent service, as karkoons and accountants, long

after they have lost the personal energy essential to a good police officer: as long as it is possible to effect an exchange of situations between a young and an elderly member of the same establishment it will be in the magistrate's power to add to the efficiency of the Police, without injury to the revenue branch.

62. I should hope in time to see some share of criminal jurisdiction entrusted to our native judicial officers; many of the cases now decided by the mamlutdar and magistrate might then be committed for trial before the moonsiff, greatly to the relief of the former functionary, as well as of parties and witnesses.

District Police.

63. District police—a portion of the karkoons and peons of each district cutcherry establishment, varying in each district, according to the proportion the Police may bear to the other duties of the mamlutdar, should be transferred to the Police department, and one of the karkoons to be appointed joint police officer* for the district. The karkoon selected as joint police officer of the district should correspond direct with the superintendent of the zillah police, and transmit to him all Police returns, through the mamlutdar, who should retain copies for his own records. The trials of offenders must, as at present, rest with the mamlutdar, the joint police officer confining himself to duties strictly appertaining to the Police, including the discovery and collection of evidence. In

Section VII. of Regulation XII. of 1827 and Act XX. of 1835.

* It is a question for consideration how far the existing law for appointing mahalkurees and foujdars in large towns will be sufficient to justify Government in giving this officer the independent authority assigned by law to a district police officer. This question might, at once, be put to the Sudder, should it be found impracticable to do so, as the law now stands he might for the present have merely the authority of a karkoon of the mamlutdar's establishment, placed under the orders of the superintendent of zillah police, and set aside by order of Government for the special duty of conducting Police enquiries, in which exclusively, the mamlutdar should be desired to employ him, and to issue instructions to all the village and other subordinate police authorities, to obey the orders of the karkoon, and to report to him in all matters affecting the Police.

Should the powers so given be hereafter found to be insufficient, it will be open to Government to provide for any specific degree of authority which may be found desirable by direct legislation.

general, one officer will be sufficient for each mamlutdar's charge, though particular cases may occur where more may be required, and occasionally two districts may be placed in charge of one officer.

Village Police.

64. The village police should report accidents and offences to the district joint police office, and in all strictly Police matters, the village police should be entirely under its control; and it should be the first duty of the superintendent zillah police to attend to the revival and reform of this Police, which is of excellent material and still at the service of the Government. He would find it advantageous to provide himself with inspectors of this Police from the men of his corps now to be discharged from it on the reduction. As the reform of the village police, in some places, will require time and consideration, he should be allowed to exercise a sound discretion in retaining a sufficient force of other classes, to do the Police duties there, until the rural force be ready to undertake them. Where the village establishments have disappeared, and where there are no service lands for Police, the present possessors of the village lands should be consulted regarding a provision in land for the maintenance of a rural police.

65. In conclusion, I regard the duties to be performed by the superintendent of zillah police to require peculiar qualifications in the officers to be selected. The commandants of the local corps ought to have been chosen, and I trust have been chosen for most of those very qualifications. In the first instance, therefore, I would appoint one of them to the superintendence of the police in each zillah. He will receive all Police returns and reports, and forward those relating to the district to Government, or to the General Police Superintendent of the Presidency; (for the present to the visiting Judicial Commissioner.) If the matter be emergent, he will write direct, keeping the magistrate informed of all that may concern him; but ordinary reports and returns will be sent,

through the magistrate, who will keep copies for his own records His first duty will be, in conjunction with the magistrate, to make the required division of district establishments, selecting those who are to be exclusively employed as Police, and then to submit a full report to Government, of the nature, extent, and cost of the whole Police establishment, village, district, and zillah, showing how they are at present employed and paid. It is to be observed that there is, at present, no such complete report, for any single zillah, and it is an indispensible preliminary to any extensive measures of reduction. This report should, in particular, show the constitution of all local corps, and how far they answer their intended object of affording employment to the classes, who might otherwise live by plundering their neighbours. It should also include a statement of all payments to chieftains of predatory tribe, of the nature of black mail, and state, particularly, what engagements exist with such chiefs to make good losses by plundering within the sphere of their influence; and how far the engagements are acted up to. All these particulars are essential to a knowledge of what our Police ought, hereafter, to cost us.

(Signed) GEORGE CLERK.

The 28*th April* 1848.

EXTRACT REPORT OF THE COMMISSIONERS FOR THE INVESTIGATION OF ALLEGED CASES OF TORTURE IN THE MADRAS PRESIDENCY, SUBMITTED TO THE RIGHT HONORABLE THE GOVERNOR IN COUNCIL OF FORT ST. GEORGE, *on the 16th April* 1855.

* * * * * *

The Court of Directors' judicial letter of the 11th April 1826 puts this in so striking a light, that we are induced to repeat the passages which immediately bear upon this point. We there see one of the Circuit Judges expressing himself in his report as follows:—"The Magistrate's and Assistant Magistrate's Calendars of persons punished and discharged by them show the prevalence of this practice to such an extent, as to call for the interference of the Court of Circuit, since there is hardly a case wherein the sufferers, who have had courage or been in circumstances to enable them to complain against their oppressors, have met with redress of their grievances, and the accused have not been sent back to the situations they have so grossly abused; and thereby encouraged to renew their excesses by the facility they experience in escaping justice." And again:—

Statements in Court of Directors' Letter, 11th April 1826.

"In most of those complaints, the Judge on circuit has, after much labour, read through the Magistrate's or his assistant's proceedings, and has been truly concerned to find that all, with hardly an exception, have been dismissed, as not proved or groundless; although the evidence in most has been such as to leave not a doubt that considerable personal violence had been done by the Parbatties and their kolkars to the complainants, and in most cases to an extent to require that the accused should have been sent to the criminal Judge, for him to try or to commit for trial, before the court of circuit, according as the facts deposed before him might seem to render necessary."

The distances which those who wished to make complaints personally to the Collector have to travel; the fear that their applications, by letter, if permitted to reach head quarters unadulterated by misinterpretation, will be returned with the ordinary endorsement of a reference to the tehsildars; the expense and loss of time which a visit, and more or less prolonged attendance upon the Collector's office entail; the utter hopelessness, after all is said and done, of the European authorities personally investigating the case, generally speaking; the persuasion that a reference of the petition to the tehsildar is likely to end in a nullity; the immense power wielded by the native servants in the districts, and those in the Collector's office, who work together in concert to render all complaints to the superior European officials nugatory;* the probability that, if any trial takes place before the tehsildar, the complainant's witnesses will either be bribed and bought off or intimidated, or, if they appear, that their statements will not be believed, or will be garbled, and unfavorable report upon them returned to the Collector; above all, perhaps, the conviction that he who seeks redress at the hands of the European is thenceforth a marked man amongst the native officials; that his whole future peace and safety are jeopardised by this attempt, and that every means of annoyance and of oppression, even to false accusations of felony, will be brought into play against him, until his own ruin and that of his family are sooner or later consummated; some, or all, of these circumstances unite in every case, in more or less forcible combination, to render redress not only difficult, but in many instances almost impossible; at the same time it is to be remarked that the authority of the tehsildar must be supported by his European superiors against the numerous

* On this point the sheristadar (Appendix G, No. 3,) says: "I do not think that the ryots believe these acts are permitted by the Government or the Collectors; but the general knowledge that the talook servants and the huzzoor establishment are combined together, and the Collector does nothing without the advice of the ministerial officer, and the general fear of offending the tehsildar, to whom the next kist is to be paid, principally keep the parties from coming forward."

false charges which are unsparingly preferred by the intriguing ryots.*

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State of the law.

76. We could not but have our attention pointedly drawn to the state of the law, under which such a condition of circumstance as that which the present investigation brings to light could continue to exist; and on this point it will be sufficient for us to state, that it appears to us both circuitous in its procedure, and deficient in its provisions for the prevention and punishment of personal violence illegally administered by an abuse of authority. We have collected the main provisions of the law on this subject, and we deem that we have sufficiently discharged our duty in drawing the attention of Government to its state as it stands, leaving such amendment or alteration as may be thought expedient to the better consideration of the Right Hon'ble the Government in Council.

Regulation XI. of 1816, section 30.

By Regulation XI. of 1816, section 30, "Any Officer of Police, or other person maltreating a prisoner or witness for the purpose of obtaining information or confession, shall be subject to punishment by the Magistrate according to the nature of the case; and should the offence be of an aggravated nature, the party offending shall be forwarded to the Criminal Judge, to be punished by him, or committed for trial before the court of circuit."

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* The difficulty under which the tehsildars labor is pointed out by more than one of the civilians who had addressed Government. We select the following passage from the letter of Mr. Hall, Collector of South Arcot (Appendix C, No. 15.):—"I must confess that it does not seem to me to be a matter to create surprise that occasional instances should have occurred in which the natives have had recourse to illegal and cruel modes of inflicting pains for the purpose of making contumacious defaulters pay their dues when it is remembered that their reputations for activity and zeal, and even their situation used formerly to depend upon a punctual realisation of the Government demand within prescribed periods, and that they have had to collect what has been of late very generally admitted to be an excessive amount of land rent."

By Regulation III. of 1819, native officers of Police guilty of abuse of authority are rendered liable to civil suits. It is further provided that

Regulation III. of 1819.

"Whenever a charge of this nature may be preferred before a Magistrate, and be proved by sufficient evidence to his satisfaction, he is hereby empowered to punish the offender by a fine not exceeding 50 Arcot Rupees, or by imprisonment for a term not exceeding one month.

"In all cases wherein the measure of punishment specified in the preceding clause shall appear to be insufficient, the party accused shall be forwarded to the Criminal Judge, to be by him dealt with according to the provisions of the general Regulations."

These seem to be tedious proceedings, applicable only to one class of offences, abuse of authority, namely, in Police charges, and totally inadequate to the necessities of the case. There is but one other Regulation under which a Police Revenue Officer, guilty of extorting "money or other valuable consideration," can be rendered amenable to justice. This Regulation IX. of 1822, as the title and preamble inform us, was an attempt at erecting a "summary jurisdiction in the Collector over public servants accused of having embezzled the public money, or made unauthorised collections, or received bribes, or extorted money." This regulation was extended and amended by Regulation VII. of 1828, and the effect of the two together presents one of the most extraordinary failures in the whole history of legislation of means to their intended end, for the result is, that a party accused may be, in the first instance, tried by the Assistant Collector, thence he may appeal to the Collector, from whose decision an appeal lies to the Revenue Board. This Board may either grant the relief prayed by the petition, refer the petitioner to Government, or bid him seek redress in the regular civil courts. In the event of the matter being referred to Government, it does

Regulation VII. of 1828.

not appear clear whether the Government possesses any power of passing a final decision, or whether its course is not to appoint a Commission to revise the proceedings; but if the appellant be referred by the Revenue Board to the courts of the country, it is certain that the case is again to be considered by the zillah court, from whose decision there is yet another appeal to the Court of Adawlut. Of course in such a state of the law no poverty-stricken ryot could contend against any wealthy revenue officer, and we are not aware of any complaints being brought forward under these two Regulations by the people. An Act XXXVII. of 1850 was passed for regulating inquiries into the behaviour of public servants, but as that Act only empowers the Government to issue a formal Commission upon certain special occasions, it has no general effect upon the daily administration of justice in ordinary cases of abuse of authority.

Act XXXVII. of 1850.

77. We are fully alive to the effect which the spread of education, the opening of communications, the increased intercourse of mind with mind, the lowering of the assessment, where it is found to press too heavily upon the ryot, must necessarily produce upon the practice of torture; the three former by their effects upon the native character, the latter by diminishing the necessity for constant interference with the ryot in all his agricultural operations throughout the year. All these will, doubtless, enter into a combination powerful if gradual; but they are but general remedies. Our attention has naturally been turned to consider whether there may not be something special in the circumstances of the country, which, independent of such slow and general remedies, seems to admit of and invite redress of a special and specific character.

General effects of Education, &c.

78. We have already stated the disproportion between the size of the districts and the number of European Officers employed in the Civil Administration of their affairs, and we have pointed out

In what direction increased agency most usefully employed.

what appears to us the natural result of such a state of things. It cannot be denied that a greater strength of European Government servants in a province must tend to its more perfect administration, and the question is how and in what direction such additional force could be most beneficially employed and rendered serviceable in putting down the native practice of resorting to such illegal personal violence as we have been engaged in commenting on.

79. Now we find all Revenue, Police, and Magisterial authority centred in one and the same set of functionaries. The very peons whose duty was primarily intended to be employed solely in the repression and discovery of felonies and misdemeanors, and who were so previously to the year 1816, are positively and chiefly employed in the collection of the revenue. The important Regulation XI. of 1816, which established the Provincial Police upon its present footing, by Section 48, expressly provides as follows :—

Revenue and Police authority at present vested in the same body, Police made Revenue Officers, Regulation XI. of 1816, Section 48.

"The Police establishment, which may be transferred to the Collectors as Magistrates, shall not be considered as district from the revenue establishment, but shall be equally employed in Police and Revenue duties, as occasion may require."

The tehsildars, originally mere Revenue Officers, their peishcars, gomastahs, and peons were, by the same enactment, invested with full Police powers.

Revenue Officers made Police.

Section 25.

Section 25 provides as follows :—

"1*st.*—The tehsildars or native collectors of the districts, by whatever name designated, shall (ex-officio) be heads of the Police of their respective districts; they shall be charged with the maintenance of the peace, and they shall report to the Magistrate all acts which they may do, and all material information which they may receive connected with their Police duties.

"2nd.—The peishcars, gomastahs, and peons, who are or may be employed under tehsildars of districts, shall perform the duties of Police as well as Revenue duties, and they shall be considered Officers of Police as well as revenue servants."

Whilst by Regulation XI. of the same year (1816) the whole "office of Magistrate" was transferred "from the judge to the Collector of zillah."

Regulation XI. of 1816.

80. Thus it will be perceived that the collection of the land revenue was entrusted to the very class who had, from time immemorial, been accustomed to practise the most cruel and violent tortures upon the persons of the unfortunate prisoners in their custody, accused or suspected of crime, and that, with the full cognizance and even approval of their fellow-countrymen at large. Now it certainly does not seem to be drawing an overstrained inference to argue that the peons accustomed to elicit confessions in criminal matters through the instrumentality of torture, would not be slow to have recourse to the same or similar appliances for the extortion of dues in revenue matters; especially as the practice was of long standing also in this department of the state administration under native rule,* and no innovation on surprise upon the habits and customs of their fellow-countrymen. We do not mean to say that there may not

Probable result of such a system.

* Murshid Ally Khan, who became Nawab of Bengal in 1718, was, among his other atrocities, remarkable for the severity with which he extorted revenue from the zemindars. We are told that he used to oblige defaulters "to wear leather long drawers, filled with live cats, and to drink buffaloe's milk mixed with salt, till they were brought to death's door by diarrhœa. The chora (or whip) was also constantly in use. According to Stewart, one of his agents, Nazir Ahmed, used to deliver over the captive zemindars to be tormented with various refinements of cruelty; such as hanging up by the feet; bastinadoing, and setting them in the sun in summer; and by stripping them naked and sprinkling them frequently with cold water in winter.

Another of his people, Syed Reza Khan, ordered a pond to be dug, filled with every thing disgusting, to which, in scorn of the Hindoos, he gave the name of Bickoont (Paradise), and through this detestable pool the defaulters were drawn by a rope tied under their arms. During the 17th century, the practice of tying wretches to palm trees, with their bodies smeared with honey, to attract the red ants, was by no means unfrequent." *Dr. Chever's Report on Medical Jurisprudence in the Bengal Presidency, page* 306.

have been an equal or possibly even a greater amount of personal violence in the collection of revenue previous to 1816 than subsequent to that epoch; but while the diminution is traceable to other causes, the concentration of all Police and revenue duties in the same hands appears to us necessarily to have destroyed that check which would have resulted, had these powers been committed to two distinct bodies.

Character of Police.

81. We may add to this that the whole Police is underpaid, notoriously corrupt, and without any of the moral restraint and self-respect which education ordinarily engenders; and that the character of the native, when in power, displays itself in the form of rapacity, cruelty, and tyranny, at least as much as its main features are subservient timidity and trickery, when the Hindoo is a mere private individual, so much so, that one Judge declares the whole people are to be divided into the governing and the governed, "the oppressor and the oppressed."

C. McKenzie, Appendix C., No. 36.
W. Murray, Appendix C., No. 8-1.
A. Hathaway, Appendix C., No. 8-4.
W. Saalfelt, Appendix C., No. 8-6.
C. Turner, Appendix C., No. 13-7.
Sheristadar, Appendix G., No. 13.
— Cotton, Appendix C., No. 4-2.

Combination amongst the native servants of Government, Nalla Mootoo Pillay, Appendix G., Nos. 4 and 5.

82. When we reflect that there is but too good reason to suspect the existence of a league* in which the native officials, with some bright exceptions, are banded together from the highest to the lowest, for the common purpose of extorting illicit gains, and for mutual protection from discovery, the mind ceases to wonder at the universal and system-

* See Sir T. Munro's Report to Police Committee, 10th April 1806, sec. 55—"As there is a general combination, down to the lowest village servant, against the Collector, it is not easy for him to learn what is going on, and when he has made the discovery, he perhaps only removes one set of servants to employ another equally corrupt, and hence, in order to prevent their falling into similar practices, he is forced to act rather as a spy over them than as the Superintendent of the province committed to his charge. Of about a hundred principal division and district servants who have acted under me during the last seven years, there have not been more than five or six against whom peculation to a greater or smaller extent has not been proved."

atic practice of personal violence, the bare assertion of the existence of which is as startling to European ears as its reality is abhorrent to European morality.

State of the country requires an immediate remedy.

83. Such, however, has been the state of the country, the evil gradually diminishing in severity and extent, but still of enormous proportions, and imperatively calling for an immediate and effectual remedy, if any such can be found.

Separation of the Revenue and Police functions suggested.

84. It would seem not only plausible but reasonable to look for such a remedy in the separation of the Revenue and Police functions; and it is to this that we venture to draw the attention of Government. We abstain from offering any direct or positive opinion upon the subject ourselves, because it does not fall within the immediate sphere of our inquiry; the expediency of this measure may be regarded as a separate question, which might form the subject of a totally distinct investigation; and certainly we should be desirous of sifting the matter much more fully than we have had any opportunity, before pledging ourselves to any confident determination regarding it. Much, doubtless, is to be urged on both sides. We should require to compare the different systems as tried in Madras before and since the laws of 1816: to ascertain how the two principles work in Bengal, Bombay, and the North-Western Provinces. We know that in Mysore there is scarcely a third of the European agency employed in the districts of Madras; that the Superintendent of a division has not only the work of a Madras Collector, but much of that of the Civil and Criminal Court, with the power of presiding at trials in capital cases; yet if it should be found that there crime is more rigorously repressed, litigation less uncertain and tedious, the revenue more readily realised, and the country, on the whole, better managed than in our oldest possessions, this alone must make us pause and

consider deeper as to a remedy which seems to promise much from its apparent applicability to the evil and its causes; yet it appears to us worthy of the fullest consideration, since the disjunction of the Police and Revenue authority of the native servants would break the neck of that power which is wielded by them with such terrible force and concert. It is the union of the two duties which gives them their principal power, and presents a tempting facility for abuse.

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Redress from Tehsildars not to be expected.

86. It must be surely unnecessary for us to dwell on the improbability that a native will obtain redress from a tehsildar as a Magistrate for an injury inflicted possibly under his orders, or, at any rate, in the discharge of a duty, which, to his eyes, relieves it of odium or culpability, the collection of the Government revenues. It is, in point of fact, to hand over the spoiled to the spoiler, and to ask the party most deeply interested in hushing the matter up, to display the impartiality of a Judge.

Opinions as to the present Police.

87. The character of the native Police has been drawn by more than one writer in the reports furnished to Government.

We select two.

Mr. McKenzie, Appendix C., No. 2-6.

Mr. McKenzie writes as follows:—

"I have no hesitation in stating that the so-called Police of the mofussil is little better than delusion. It is a terror to well disposed and peaceable people, none whatever to thieves and rogues, and that if it was abolished in toto, the saving of expense to Govern-

ment would be great, and property would be not a whit less secure than it now is."

Mr. Saalfelt, Appendix C., No. 8-6. Mr. Saalfelt says:—

"The Police establishment has become the bane and pest of society, the terror of the community, and the origin of half the misery and discontent that exist among the subjects of Government. Corruption and bribery reign paramount throughout the whole establishment; violence, torture, and cruelty are their chief instruments for detecting crime implicating innocence, or extorting money. Robberies are daily and nightly committed, and not unfrequently with their connivance, certain suspicious characters are taken up and conveyed to some secluded spot far out of the reach of witnesses; every species of cruelty is exercised upon them; if guilty, the crime is invariably confessed, and stolen property discovered; but a tempting bribe soon releases them from custody. Should they persist in avowing their innocence, relief from suffering is promised by criminating some wealthy individual, and in the agony of despair he is pointed to as the receiver of stolen goods. In his turn he is compelled to part with his hard-earned coin to avert the impending danger. Even the party robbed does not escape the clutching grasp of the heartless peon and duffadar; he is threatened with being torn from his home, dragged to the cutcherry, and detained there for days or weeks to the actual detriment of his trade or livelihood, unless he points out the supposed thieves. The dread of, or aversion to, the cutcherry is so great, that the owner would sooner disavow the stolen article and disclaim all knowledge of the property, though his name be found written upon it in broad characters; while such is the actual state of things, and while the people entertain such a lively horror of the Police, it is not possible to expect a single victim of torture to come forward and arraign his tormentors, or to bring the charge home to any one of them after the deed has been perpetrated in some ruined fort or deep ravine situated miles away from the town or village."

88. But it seems to us questionable whether to render the Police efficient, it must not be placed under independent European authority. Although the Collector would still remain the political head of his whole province, and retain all his power and authority as a justice of the Peace and Magistrate, it will probably be thought that the Police cannot be organised, brought up to, or kept in the requisite state of discipline, unless it be commanded by an Officer who should give his whole undivided time and energies exclusively to that object.

Police to be placed under independent authority.

89. It seems more than probable that this measure would have a very powerful effect upon the welfare of the people. In Police cases, it cannot be doubted that a better paid, better organised Police force, separated altogether from ordinary revenue duties, placed under Eupropean Officers, and commanded by an intelligent Superintendent, immediately responsible to Government for the peace of the whole district, would, in a very short time, interpose an effectual check to the resort to torture to elicit confessions. It would then be impossible, under such vigilant supervision as would be practicable in every case, for the native Police authorities to evade the orders of the Court of Fouzdaree Adawlut, or detain suspected parties and prisoners in their custody, without an immediate report to their superiors. Every allegation of mal-treatment would receive instant attention and investigation, and be followed, wherever detected by prompt and adequate punishment. The Officers of Police themselves would soon lose the slovenly habit of thinking they had done all that justice requires in resting their proof upon confessions; they would become vigilant and acute in tracing out those circumstantial evidences of guilt which cannot lie, and

Probable result of such a Police in Criminal cases.

A. Robertson, Appendix (C.) No. 2-1.
A. Hathaway, Appendix (C.) No. 8-4.
W. Murray, Appendix (C.) No. 8-1.
W. Molle, Appendix (C.) No. 10-4.
T. Anderson, Appendix (C.) No. 10-7.
A. S. Mathison, Appendix (C.) No. 13-3.
Capt. Campbell, Appendix (C.) No. 24-12.

which they would soon recognise as a far more satisfactory description of proof than got up testimony, as perjured as it is direct, and the same conduct which has sufficiently guaranteed the peace and safety of European countries during the last thirty years, within which time the science of Police may be said to have been entirely originated, would speedily afford to this Presidency an admirable Constabulary, preventive and detective. Indeed, such are the institutions of society in India, that we believe, with a Mofussil Police properly constituted and commanded, scarcely any crime, however minute, could be perpetrated without the discovery of the offender by perfectly legal and justifiable means.

* * * * * *

Police we consider to involve a duty entirely distinct from Magisterial. It is to all intents and purposes in its nature executive; and although not absolutely incompatible with that of Magistrate, it had better be kept separate, for it necessarily involves acts against which appeal should be open to the Magistrate, by whom alone their property can be decided on. The establishment of such a degree of control and superintendence over the conduct of the people as will tend to the prevention of crime, must be the first object of Police; the next, when crimes have been committed, to secure the apprehension of the criminals, by a proper arrangement and distribution of its Officers. It will then become the duty of the Superintendent of Police summarily to inquire whether the criminal charge be or be not well-founded, and when it appears so, to cause the parties and witnesses to be sent to the Magistrate. The Magistrate is to judge and to determine the measure of punishment to the extent allowed him ; or if the crime be such as to require punishment beyond his power, it will be his duty to commit for trial before the superior tribunal, the Court of Circuit. The arrangements calculated for the prevention, next, the detection of crime, when committed, and the apprehension of

criminals, we conceive to be the proper duties of Police: the trial and punishment are the duties of the Magistrate and Court of Circuit, in their repective gradations.

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(Signed)	C. F. ELLIOT,	*Commissioners for the investigation of alleged cases of Torture.*
,,	H. STOKES,	
,,	JOHN BRUCE NORTON,	

POLYTECHNIC, MOUNT ROAD;
Commissioner's Office,
16*th April* 1855.

EXTRACTS FROM MR. RICKETTS' REPORTS UPON CIVIL SALARIES.

THE Lieutenant-Governor of Bengal, in advocating the union of Collectorships and Magistracies, represents that all over India the measure succeeds: - " We find it in the highest favor in " Bombay and Madras, and the North-West Provinces of Bengal. " We have unhesitatingly introduced it into recently acquired " territories at both extremities of our Empire. We find it suitable " to the Punjab, and we find it suitable to Pegu. It is even in " force over a large tract of the provinces subject to the Govern- " ment of Bengal. It prevails in Assam, Arracan, and the " districts of the South-West Frontier, in all Cuttack, and other " districts of the Regulation Provinces." Mr Grant writes:— "I do " not think that the principle of uniting fiscal and police func- " tions *in Bengal, at least,* is sound in principle. Those special- " ties, which in other parts of India, it is by many maintained, " justify the seemingly unpropitious union of the powers of a

" publican with those of a magistrate and judge, do not in " any degree exist in Bengal. A collector in Bengal neither has, " nor ought to have, influence by reason of his office in his " district. If the revenue is paid, he must take it, if it is not paid, " he must advertise for sale. As the Judge in summary suits for " rent between zemindars and ryots, any attempt to acquire " influence would be criminal. On the other hand, I do not think " that these general and obvious objections to the union of fiscal, " Police, and judicial powers in the same hands, which are admitted " to have weight, and which rule the practice in all the well-" governed countries of the west, are inapplicable in any part of " India. The smoothness and silence with which public affairs " go on where all power in all departments is centred in the hands " of one train of officials, cannot be regarded as good for the people, " however agreeable they may be for the administration."

While this controversy has been going on in Bengal regarding the separation of fiscal from Police and magisterial duties, in the Bombay territory, with the high approval of all, the Police duties have been separated from both, and, the plan having answered, it is now proposed to extend it to all the territories under the Madras Government. Such a system meets all Mr. Grant's objections. There appears to be no objection in principle to the same person being collector and minor criminal judge. I have not found in any of the many papers I have examined, any objection to this junction of offices. One party objects to the junction of Revenue and Police duties : another party objects to the union of magisterial and police powers : but there is no authority against trusting the collector with such magisterial duties as are in no way connected with the Police. I can find nothing in the discussions and correspondence connected with these subjects, showing that there is such a difference of circumstances between Bombay and Bengal, that a system which has worked well in the former should be unsuitable to the latter ; on the contrary, there is much to lead to the supposition that the plan which has suc-

ceeded in Bombay, would assuredly have equal success in Bengal. Passages in the papers, connected with the subject of the appointment of Superintendents of Police in Bombay, are as applicable to Bengal as anything in the Minutes of the Lieutenant-Governor.

Sir George Clerk writes :—" It is our boast that we have given to " the country perfect general peace, and freedom both from all " alarm of foreign invasion, and from danger of successful internal " rebellion, yet it would seem that whenever anything resembling " rebellion does occur in this Presidency, in all that relates to early " warning of the impending danger, the speedy detection of those " implicated, and the consequent early suppression and certain " punishment of the rebels, the Police is lamentably deficient. The " outbreak generally takes the authorities by surprise, and is only " suppressed by the expensive and cumbrous expedient of employ-" ing large bodies of regular troops." Every word is applicable to the Sonthal insurrection. " It cannot be said that the Village " Police are now efficient indeed, many high authorities might be " cited to justify an opinion that their efficiency has been entirely " destroyed since we obtained possession of the country, but I " see nothing to lead me to think that this conclusion is altogether " correct ; indeed, examples might be cited to show that, well ma-" naged, they could be as efficient now as they ever have been." This, too, is in every respect applicable to Bengal, save only that most people think that the restoration of the village police is impracticable.

The inefficiency of the Police management in Bombay was unanswerably shown, and the remedy applied was the appointment of Superintendents of Police in each district, young, active men, with no other duties to divert their attention from the preservation of the peace, and the apprehension of offenders. The Bombay Government reports that the system has been introduced throughout the whole of the Regulation districts of the Bombay Presidency, and that it has worked well, both for the prevention of crime, and the detection of criminals, and that it is expected to

work better when the re-organisation of the village police has been completed.

Under precisely similar circumstances, the Madras Government has resolved to apply the same remedy. They are convinced that by the separation of Police from revenue functions, efficiency will be improved, and the oppression which has been shown to be incident to, and favored by, the concentration of fiscal and police powers in the same hands, prevented.

The circumstances of Bengal and Madras appear to be very much the same. The Madras Government writes :—" The state of " the Police is most unsatisfactory. The inability of the present " Police establishments to cope with the prevailing amount of " crime or to insure protection to person and property, has latterly " become more than ever notorious."

Mr. Grant writes :—" The existing system of criminal proce- " dure, to speak of it in moderate language, is not like the " system of a country administered by rational beings."

The Lieutenant-Governor of Bengal says :—" Throughout the " length and breadth of the land, the strong prey almost universally " on the weak, and power is but too commonly valued only as it " can be turned into money."

The time for reform, it must be admitted, I think, has arrived, when those at the head of the administration bear evidence of this sort to the existing evils. The remedy proposed for Bengal differs materially from that which has been tried and has succeeded at Bombay, and is proposed for Madras. The Lieutenant-Governor wishes to re-unite the magistracy and collectorship; but, instead of a Superintendent of Police for each district, he would sub-divide all the districts into subordinate circles, and place a deputy magistrate in each, with Police and magisterial powers.

Besides the 33 magistracies, it is recommended to appoint 133 deputy or assistant magistrates, and station them in sub-divisions.

The reasons given for re-uniting the offices of collector and magistrate in Bengal are, " in order to place the important business of magistrate in more experienced hands than at present, " and to avoid the common complaint that the magistrates are " too young and inexperienced for their duties."

The reasons given for separating the Police duties from the magistracy at Bombay were, that " collector-magistrates cannot " bestow on the Police the attention it deserves; that the union of " the characteristic excellencies of a good Judge and a good Superintendent of Police are among the rarest combinations which can " be expected from human nature; that the collector-magistrate " was often many miles distant from the scene of crime, and could " not relinquish his other business in order to trace out the perpetrators; that the few instances in which Magistrates did personally take up the Police inquiry into any crime, showed, by their " success, the benefit which would result from always having an " officer of that class available for the conduct of Police investigations."

The reasons given for separating the Police from the magistracy at Madras are, " the degree of supervision which the magistrates " are able to exercise over its proceedings is by no means adequate. " The time of the magistrates is principally directed to their " revenue duties, and those who take the most active interest in " the superintendence of the Police are debarred, by the other " calls upon their attention, from devoting to it that unremitting " care and supervision which are essential to the detection of " crime."

Sir George Clerk writes :—" It may safely be said that there " are not necessarily any two qualities in common between a good

"judge and a good Superintendent of Police, except the industry, "patience, and uprightness which all public servants should possess. "It is the duty of a judge to know of matters which come before "him judicially, only what he hears in open court; universal "knowledge of all that passes, affecting, even remotely, crime "and criminals, sought from all sources, even the least pure, is "the aim of the police officer. The judge must confine himself "to what is clearly established before him, or what may be logi- "cally deduced from it; whereas it is the peculiar value of a "police officer to jump at right conclusions from vague and trifling "evidence. The judge maintains a severe partiality towards the "accused, but the police officer pursues him with vigilance and "zeal."

It will be observed that the reasons given for the separation of the Police at Bombay and Madras from the magistracy and collectorship are nearly all of general application. It has succeeded at Bombay, and though in some districts the Bengal difficulties differ from the Bombay difficulties, none of the Bengal difficulties are of such a nature as to make it desirable that the revenue and Police duties should be in the hands of the same person, provided efficient men can be procured for the conduct of both. The presence of many European indigo planters is stated to be one of the most urgent of the Bengal difficulties; and the personal influence which the collector undoubtedly possesses, and always must possess, and which, as an adjunct to the authority of the Magistrate, might be made most useful to the State, is put forward as one of the chief ends of the proposed junction; but the Indigo Planters are the very persons in the district over whom the collector has least influence. Indigo planters seldom hold estates direct of the Government, and rarely have any communication with the collector; and they know that he is quite powerless to, in any way, control their proceedings. I have no official knowledge that indigo planters, as a body, require more controlling than other people, but, if they do, I should say an active Police

superintendent, with only Police duties to attend to, backed by an armed force sufficient to enable him to maintain his authority, would be more efficient towards maintaining order, than an officer of equal ability who had magisterial and fiscal duties.

There are high authorities in this country, besides the Lieutenant-Governor of Bengal, who think that it is necessary to keep the Police in the hands of the magistrate, *i. e.* the district criminal judge, and as necessary that the Police and the collection of the revenue should be in the same hands; and there are some in this country who go so far as to maintain, that it is good the criminal judge should have charge of the Police, and, being answerable for the peace of the country, have some interest in a conviction, for then he will not allow an offender, of whose guilt he is morally convinced, to escape, because the evidence is not free from flaws; but few will subscribe to this doctrine.

Though Mr. Grant is opposed to re-uniting Magistracies and Collectorships, his opposition is confined to giving Collectors Police powers; he has no objection to their being vested with criminal judicial powers for the trial of criminal cases. He would make the present magistrates district police officers, with assistants under them also merely police officers, restricted to the duties of looking after the subordinate officers, of discovering crime, and of prosecuting it in heinous cases, to conviction. The trials in trivial cases he would have conducted by officers stationed in sub-divisions; in heavy cases by sudder ameens and the collectors and judges at the sudder station.

When I find two men like Sir George Clerk and Mr. J. P. Grant, both of great ability, but whose idiosyncracy is so essentially different, and whose experience has been in such different fields, agreeing on a subject of this kind, and having on their side the Governments of Madras and Bombay, and the systems of all the best governed countries in the west, there appears to me little occasion

for further inquiry. It is almost impossible that they should be mistaken.

It is true that neither Sir George Clerk nor Mr. Grant ever was a Magistrate in Bengal, but one of the ablest Bengal Magistrates we have had of late years, who ruled with equal efficiency two districts different in every respect, Patna and Chittagong,* thus writes—" I am strongly in favor of the separation of the " police altogether from the magistracy, and of the establishment " of a superintendent of police in each district. One of the great " defects in the present system is that a magistrate commences " a trial with a strong bias against the accused, for he feels that " his own character will, in a certain degree, be affected by the " result of his proceedings. If the trial ends in a conviction, so " much praise is due to the Police, and to him as their head, for " having apprehended the prisoner and collected the evidence " which procured his conviction. If, on the other hand, the trial " ends in the release of the accused, it is inferred that the Police " did not conduct the preliminary investigation with sufficient care, " or that the Magistrate was wanting in discrimination in directing " the accused to be forwarded for trial on such insufficient or " unworthy evidence. Another benefit gained by the separation " would be, the enlarged opportunities for the investigation of " serious charges by the Superintendent at the place of their " occurrence. Now, the magistrate has a choice of evils; he must " either proceed to the spot himself, and thereby occasion delay " and inconvenience to persons concerned in other cases then pend- " ing before him, or he must trust this important duty entirely to " his Police. The manner of conducting, as well as the result of " the local inquiry, always exercise an important bearing on the " issue of the case, hence it is scarcely possible to exaggerate the " value which would be justly attached to all investigations made " in the immediate presence of an officer occupying the position

* Mr. Edward Lushington.

" of the Superintendent of Police. Trust and confidence would " be substituted for that caution and suspicion which the superior " authorities show to all reports, furnished by the Police, while the " latter would be debarred from exercising that general oppression " which in too many cases accompanies local investigation, and " induces the inhabitants to conceal crime rather than to aid in its " discovery. Lastly, we should obtain in each district a general " uniformity of system in the management of the Police. One of " the disadvantages of the numerous sub-divisions which have been " lately established, is the introduction of a separate system in each " for the management and control of the Police subordinate to it. " What one Deputy Magistrate admits as smartness on the part of " a Darogah, another punishes as oppression, and thus Police Offi- " cers soon prepare their reports and form their conclusions accord- " ing to what they think will please their superiors. This would " not of course be altogether removed by the appointment of a " Superintendent, but there would be much less of it."

Another very able officer, Mr. Schalch, gives his opinion in favor of the separation. He says—" The advantages would be : *1st*, The " more perfect superintendence of the Police, the greater activity, " intelligence, and honesty they would exhibit when under the con- " trol of an officer, who, from constant intercourse, would become " intimately acquainted with them, and who would therefore justly " reward the zealous, while punishing the idle and dishonest—a " point under the present system not sufficiently attended to; " *2ndly*, The greater facilities which would undoubtedly be afforded " by the people generally for the detection and suppression of " crime, when they found the oppression of the Police restrained, " by the presence and immediate supervision of the European " superior ; *3rdly*, The greater confidence which would be placed " by the judicial officers in the proceedings of the Police, when " conducted, as would generally be the case, in the more heinous " offences, under the eye of the Superintendent ; and, *lastly*, the " more impartial trial which the offenders would obtain, and the " less chance of their acquittal on appeal."

In the North-West Provinces the general opinion certainly is, that it is desirable still to have fiscal and police power in the hands of the Magistrate; but it appears that Mr. Robertson, Lieutenant-Governor in 1842, was of opinion that there was "an incom-"patibility in the very functions of a Collector of revenue, and "those of a Magistrate, which seem to render the union inexpe-"dient;" and under date the 11th October 1843, Sir G. Clerk, "then Lieutenant-Governor, wrote—"I cannot close this minute "without expressing a hope that the separation of the offices of "Magistrate and Collector in these provinces will generally take "place. The duties vested in one officer are far too onerous to "enable him to discharge both with a proper degree of efficiency "or due improvement of the condition of the people, and the trans-"fer of one of the two departments to the Joint Magistrate or "Deputy Collector I regard as an irresponsible shift, and therefore "to be deprecated. The separation need not involve any heavy "expense, but a question which undeniably involve so much of "the happiness, security, and comfort of the people, should not "be considered with much advertence to the cost."

Among the arguments I have met with against separation, the only one of any weight in my estimation is, "that an independent "officer, with inferior salary, without any prestige from rank in "his own service, with a virtually distinct charge, whose proceed-"ings were received with indifference, if not with some degree of "jealousy, by the Magistrate and his Assistants, would be of much "less value as a Police Superintendent than a similar officer acting "as the Magistrate's right-hand man, assisted and supported by "him, and only interfered with on just and necessary occasions." But prestige from rank is scarcely necessary to increase the power and influence of an officer at the head of the District Police. Properly supported, as he assuredly would be, by the Commissioner, and armed with the large powers which the law gives to the Magistrates in their capacity of Police officers over all subordinates, he would be sufficiently powerful. One of the duties of the Police officers at Bombay is to act as public prosecutors; not only to take

the offender, but to superintend the proceedings of the trial, and to endeavor, by all fair and legitimate means, to secure his conviction. This is more consonant with fair dealing, than a system under which, avowedly, convictions are procured by means of a bias on the part of the presiding officer.

It appears to me that all the objections in theory, and all the difficulties in practice are met by joining Magistracies with Collectorship, and, by the appointment of a Superintendent of Police in each district, relieving the Magistrate of Police duties. Some object to fiscal and police duties being in the hands of the same person—the objection will be remedied; some object to "thief-catchers being thief-triers"—the objection will be remedied; all think that the native Police requires more immediate superintendence than is possible by an officer who has to try offenders—remedy will be provided; all think that there is an enormous waste of time and money in having persons tried by the Magistrate who must be again tried by the Sessions Judge and the Sudder Court—remedy may be provided.

I do not by any means advocate the introduction of the system immediately over the whole of Bengal. Though it is not to be supposed that all those who are now Magistrates and Police officers would be the worse Police officers when relieved of their Magisterial duties, it is good to introduce such changes by degrees; a good system is then more safe against failure from the employment of unfit men. Where the Police is worst and crime heaviest, there I would forthwith try the system of separate Superintendents of Police. If it should succeed in such localities, its success in other places would be certain.

The plan proposed by the Lieutenant-Governor of Bengal, besides being very expensive, appears to me objectionable on many other grounds. An efficient Police is impossible with numerous small jurisdictions. The tracing of offenders, and the

procuring of evidence, are immeasurably increased by such a system. The Lieutenant-Governor admits that in the Indigo districts it is absolutely necessary to have English Magistrates. I believe that it would be equally necessary to have English Magistrates in many other parts, where the zemindars are very rich and very powerful. The petty officers of sub-divisions would never be able to maintain their authority against the influence of unprincipled and wealthy landholders. As represented by Mr. Lushington, we should have a separate system in every sub-division. The Act punished in one sub-division would be applauded in the neighboring jurisdiction. There would be jealousies, and rivalries, and endless quarrels. They would all regard it as their business to try, rather than to take. I do not believe the Police would be in the least improved. I should think it possible that it might become worse than it is now, had not the Lieutenant-Governor himself declared that to be an impossibility.

In case of insurrection, such as the Sonthal outbreak, those petty Magistrates would be worse than powerless and useless; they would from their weakness invite violence, and thereby make matters worse.

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In Bengal, should Superintendents be appointed, there must be no divided authority; the whole Police force, stipendiary and village, must be placed under the Superintendent's orders; whatever reason there may be for another course in Madras and Bombay there certainly is none in Bengal. The Magistrate will become a minor Criminal Judge, with the superintendence of all the subordinate Criminal Courts of the district. The Superintendent will be exclusively under the Commissioner of Police.

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At Bombay none of the Superintendents are Covenanted Civil Servants. The majority are Military officers, the remainder

Uncovenanted officers. It does not appear whether it is proposed to have Covenanted or Uncovenanted officers at Madras, but I should suppose, as at Bombay, they will be mostly Military officers.

It appears waste of my time to go further into this subject till it shall have been determined what the Bengal system shall be; whether we are to have Superintendents of Police with only Police powers over large districts, or sub-division officers with Police and Magisterial powers over small sub-divisions. Though in such an empire as this, comprising many kingdoms, different systems may prevail without any fair grounds for presuming unsuitableness anywhere, it certainly is desirable that we should not, without good reason assigned, adopt at the same time two exactly opposite principles of action in two divisions of the empire.

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The Lieutenant-Governor is opposed to the appointment of Superintendents of Police in each zillah, and thinks that to take the whole control and management of the Police out of the hands of the actually, and traditionally, influential Civil Service, and place it in the hands of Uncovenanted servants (which I did not propose), with average salaries of Rs. 700, (which is not the scale recommended,) and nothing else apparently to rise to, (which does not follow) could never succeed, and he would be sorry to see it attempted. He is of opinion such agency would not rule and govern the all-powerful zemindars of Bengal, without whose co-operation it is already notorious that nothing can be done, and against whose opposition it is almost hopeless to contend.

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Since these proposals were submitted to the Bengal Government, the Despatch of the Honorable Court, dated the 24th September 1856, has directed that such a plan as I proposed for sepa-

rating the Police from the Magistracy, should be carried into effect generally all over the country. The Court have, after full deliberation, recorded their opinion that the management of the Police of each district should be taken out of the hands of the Magistrates, and be committed to a European officer, with no other duties, and responsible to a general Superintendent of Police for the whole Presidency. There is, therefore, no occasion for me to say any thing in defence of the reforms I recommended. I earnestly hope that the Court will adhere steadfastly to their resolve.

MADRAS.

Up to 1843 the supervision of the Police was vested in the Courts of circuit. On the abolition of those Courts, their powers were completely transferred to the Sessions Judges, who, within their respective zillahs, are invested with precisely the same powers of supervising the proceedings of the Magisterial and Police authorities, as were exercised by the Courts of circuit within their jurisdiction. The Sudder Court, in their letter dated 22nd November 1854, represented that the disadvantages of the existing system are that, the duty of supervising the Police being entrusted to so many officers, some must necessarliy be unfit, and that the Zillah Judge is too much on a par, in respective position, with those whom he has to control. He and the Magistrate are generally of about the same standing, and their emoluments are the same. In most districts, the Zillah Court and the head quarters of the Magistrate are at the same station, which brings the appellate authority, and those whose proceedings he has to supervise, into daily familiar intercourse. The appellate authority may feel himself inferior to one or more of those placed in subordination to him, and there is no escape from the embarrassing position. The Court admit that the degree of supervision which can be exercised over the proceedings of the Police by a judicial functionary must, of necessity, be ineffectual, compared to

that which can be effected by an efficient Superintendent of Police; and that the organization of the Police under the superintendence of the Court and the Judges, is extremely defective, and the supervision of the Magistrates by no means adequate. The Register concludes his letters as follows :—"The "separation of the judicial duties of the Magistrate from those "which relate to the prevention and detection of crime, appears " to the Judges to be an excellent arrangement. It, moreover, "is most desirable to have an officer who may be available on "an emergency to trace out serious crime in the scene of its "occurrence, and on whose proceedings full confidence may be "placed. The duty at present devolves on native functionaries, "whose proceedings are, ordinarily very ineffective, and com- "mand no confidence. So that the judicial authorities have "constantly to be on their guard against the machinations of the "Police, by whom confessions are extorted, and evidence concocted, "to save themselves from the stigma and consequences of failure "in the detection of crime. In most of the districts of this "Presidency, two Superintendents of Police would be required."

The Government, in their letter, addressed to the Supreme Government, dated the 14th August 1855, declared that the state of the Police in the districts under the Madras Presidency was most unsatisfactory; that the want of an efficient preventive and detective Police, called loudly for a remedy; that the Magistrates were debarred, by the other calls upon their attention from devoting to the Police that unremitting care and attention, which are essential to the detection and prevention of crime; that the inability of the Police establishments to cope with the prevailing amount of crime, or to ensure protection to person and property, was latterly become more than ever marked and notorious; that in 1854, there were 1,724 dacoities, of which 481 were attended with aggravating circumstances. The remedy proposed, was the separation of the Police from revenue functions, the appointment of a Superintendent of Police for each district

and a Commissioner of Police for the whole Presidency. Paragraph 30 says—"The success of the whole scheme, as experience "has shewn at Bombay, will, however, largely depend upon its "being efficiently supervised by some central controlling autho-"rity. For this purpose, the Government would most strongly "advocate the appointment of a Commissioner of Police for the "whole Presidency. His chief station should be at Madras, the "Police of which as that in the Mofussil, should be under his "surveillance, but he would make occasional tours in the "Provinces, and ascertain by personal inspection, the defects in "the working of the system. He would be the referee and adviser "of Government in all matters of Police, and the channel "through which all returns on Police are made to them; occu-"pying, in fact, much the same relation to the Police department, "as the Director of Public Instruction to that of education, or the "Inspector of Prisons to that of jail discipline. At present, the "Police of the country is nominally under the control of the Sudder "Adawlut, whose constitution is by no means peculiarly fitted for "the trust, and who are too much occupied with other duties to "give it much of their attention. The appointment of the "Commissioner should, the Government think, be the very first "step towards organizations of the new system The Superinten-"dents would be nominated as fit men could be found, and "arrangements made." The salary of the Commissioner was fixed at Rs. 30,000 per annum.

The Court of Directors, in their Despatch of 23rd July 1856, reviewing these proposals, paragraph 7, remarked—"With regard "to your proposal that the entire control of the Police in the "town of Madras, and in all the districts, should be vested in a "Commissioner resident at the Presidency, we have to remark "that an appointment, in a great degree similar, has recently been "abolished in the Lower Provinces of Bengal; that such an "appointment has long ceased to exist in the North-Western "Provinces; and that a frequent clashing of authority might be

"apprehended, if the Superintendent of Police in each district "were subordinate, at the same time, to the Magistrate, and "also to the proposed Commissioner; who, from the Magistrate's "position, and the nature of his duties and engagements, could "not be vested with any control over that officer." It is very astonishing that no allusion should have been made in the Despatch to the sanction which had been given to the appointment of a Commissioner of Police in Bombay, and the admitted success which had attended the new system. The Court assured the Government of Madras that they were most anxious that all practicable means should be employed for affording protection to the people against the violence of men setting the law at defiance, and against oppression and extortion by the inferior agents, and promised to give the subject deliberate consideration when reported upon by the Government of India. The Government of India having had the scheme before them from August 1855 to 24th October 1856, declared on that date that "the general scheme for "the improvement and enlargement of the local administration of "the Madras Presidency, as submitted in these and other commu- "nications still under consideration, is so vast, and would be "attended with such enormous, yet uncertain cost, that the "Governor-General in Council has been most reluctant to take "any step which should imply even a partial sanction of it, before "the like measures contemplated for Bengal could be determined, "at least approximately. The revenue of India, it has been felt, "must not be saddled with a burden on account of Madras, so "heavy as to interfere with justice to Bengal, the necessities and "claims of which are at least equally great."

The question therefore is still before the Government of India; but the Despatch of the Court, dated the 24th September 1856, on the Police of India generally, having ruled that the management of the Police in each district should be taken out of the hands of the Magistrate, and be committed to a European officer with no other duties, and responsible to a general Superintendent for the

whole Presidency; that is, having, for the most part, approved of the view of the reform necessary taken by the Right Honorable the Governor of Madras; the Madras Government, by their letter of the 27th January 1857, again urged the immediate appointment of a Commissioner of Police for the whole Presidency, in order that he might, in communication with the Government, frame a detailed scheme of arrangements.

As the Court of Directors have, after full deliberation, recorded their approval of the appointment of a Commissioner of Police for a whole Presidency or Lieutenant-Governorship, rather than Divisional Commissioners of Revenue and Police, where there are at present neither Commissioners of Revenue, nor a Commissioner of Police, of course, there will be but a single Commissioner of Police. And should Divisional Commissioners be introduced in Madras, they will be Commissioners of Revenue only. It is plain that, unless the appointment of a Commissioner of Police be at once made, the orders of the Court must remain a dead letter. Neither the Sudder Court, nor the Judges, nor the Magistrates, have any leisure for such enquiries as must be instituted before the scheme can be carried out; and, had they leisure time, the work would not be done by them as it would be done by the officer who is destined to have the control of the new department.

I have no objections to offer to the scale of salary proposed, Rs. 30,000 per annum. That sum will enable the Government to secure one of the most able men in the service. It is the salary allowed in Bombay for the Commissioner of Police and Inspector General of Jails. It is Rs. 2,000 per annum, more than the salary proposed for Zillah Judges, and Rs. 7,000, more than the salary of 1st Class Collectors. The Commissioner will require a considerable establishment of writers. Pending eventual revision, I recommend that he be allowed to entertain an establishment not exceeding Rs. 1,000 per mensem.

But I conceive that the operation of the Commissioner will be greatly impeded, if a certain number of District Superintendents are not immediately authorized, and license given to the Madras Government to increase the number, as fitting opportunity for the extension of the system shall be presented. I would recommend the immediate appointment of four Superintendents of Police, to be employed, under the eye of the Commissioner, in the four districts nearest Madras. While the Commissioner is employed in procuring general information connected with the whole Presidency, these four officers will be practically engaged, under the directions of the Commissioner, in organizing the details. As the arrangements for a district shall be perfected, the separation of the stipendiary and hereditary officers from the revenue establishment completed, and the Police establishment thoroughly organized and set to work; I would move these four officers on to other districts, and appoint new men to the organized districts. By this means, the organization of the whole will be effected earlier than it would be under new men in each district; the system introduced will be, as far as local peculiarities will allow, uniform, and mistakes, which will unavoidably be made at first, will be timely observed and rectified.

* * * * * *

In my paper on the Police of Bengal, I mentioned that the Government of Madras saw the weakness in the Bombay scheme, occasioned by the Village Police being placed under the Magistrate, instead of under the Superintendent of Police, but hesitated to propose any alteration in the scheme, till its unsuitableness had been proved in practice; but the Right Honorable the Governor of Madras, in a Minute, dated the 11th September 1856, says, he has decidedly changed his opinion with respect to the Village Police, and desired that they should be under the same control at the District Police, in order to ensure uniformity of discipline and action. The Bombay Government have not yet made any alteration in

their scheme of divided authority, but the clashing of the orders of the Superintendent and the Magistrate are prevented by the Commissioner of Police having authority over both. In all matters connected with the Police, the Magistrate is as much under the Commissioner, as the Superintendent is, and the Commissioner can effectually prevent any mischievous effects arising from the orders of either authority by, when they differ, overruling whatever may be opposed to his opinion. The Commissioner is not prepared at present to recommend any alteration, he writes—" I incline to " think that the Magistrate's position being clearly established, " as a subordinate to the Police Commissioner, and restricted as " he is, and *must be still more*, from all interference with the disci- " pline and management of the Police force, he should still continue " the head of the Police of his own district, and afford the benefit " of his co-operation, local knowledge, and experience, in the gene- " ral arrangements; and that the Superintendent should be still " recognized as his subordinate, and obey every requisition, subject " to the general instructions and orders of the Commissioner." If the two Governments communicate unreservedly with each other, the steps taken in carrying out this great and most interesting reform, it is to be hoped that the system really best suited to the circumstances, which are very much the same under both Governments, will eventually be carried into effect.

* * * * * *

These proposals having been submitted to the Right Honorable the Governor of Madras in Council, I received in answer Extract from the Minutes of Consultation, dated 12th March 1858. His Lordship in Council deems it needless to notice at any length the scheme submitted, for the Honorable the Court of Directors have approved generally the arrangements for the reform of the Police at Madras recommended by the Government, embracing the appointment of a Commissioner of Police on a salary of Rs. 2,500 per mensem, twenty Superintendents, one for each district, on

salaries of Rs. 700 per mensem each, and one superior Assistant for each district on a salary of Rs. 300 per mensem, or, at the discretion of the Government two Assistants in each district at Rs. 150 per mensem each, the total expense being Rs. 23,500* per mensem or Rs. 2,82,000 per annum.

BOMBAY.

In their Despatch to the Madras Government, dated 9th June 1857, the Honorable Court wrote—" In our Despatch to your " Government No. 12, dated 23rd July 1856, we stated our reasons " against the appointment of a Commissioner of Police for the " whole Presidency, observing that an appointment in a great " degree similar had recently been abolished in the Lower Pro- " vinces of Bengal, and that such an appointment had long ceased " to exist in the North-Western Provinces, and that a frequent " clashing of authority might be apprehended if the Superintend- " ent of Police in each district were subordinate at the same time " to the Magistrate, and also to the proposed Commissioner. The " plan which you propose, of separating the judicial duties of the " Magistrate from those relating to matters of Police (which does " not prevail in Bengal), obviates our objections by drawing a clear " line of demarcation between the functions of the Magistrate and " those of the Chief Commissioner, and thus preventing any collision " of authority between them.

* * * * * *

" The Chief Commissioner and the Deputies, acting under the " orders of Government, will then re-organize the district stipen- " diary Police in the manner proposed by you, and, on the com- " pletion of the new arrangement in any district, the Police

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* Including Rs. 1,000 for an establishment for the Commissioner.

" functions of the Magistrate will cease. We concur with you as to " the expediency of putting the Village Police under the control " of the District Deputy Commissioner of Police. We deem it " sufficient for the present to express our approval generally of " your proposal to make the Village Police a part of the force " under the superintendence of the Chief Commissioner and his " District Deputies, leaving it to you to carry out, in communication " with the Supreme Government, to whom a copy of this Despatch " will be sent, the details of such measures as may be necessary for " the fuller development of this and other portions of the plan of " Police reform which you have recommended.

* * * * * *

The Honorable Court in their Despatch to the Government of India, of the 24th September 1856, broadly rule that in all the old provinces of British India, the management of the Police of each district should be taken out of the hands of the Magistrate, and be committed to an European Officer with no other duties, and responsible to a General Superintendent of Police for the whole Presidency. But in the Despatch to the Government of Madras, which I have quoted, the Court seem to draw back from the general introduction of the separate system, and to desire that the system of Magistracy and Police united, and the system of Magistracy and Police dissevered, should be each further tried under the supervision of those who respectively favor them. The success in Scinde has been perfect. The success in Bombay has been considerable, though there the separation is still incomplete. All confidently anticipate great improvement from the change at Madras. The other system has been successful in the Punjab, and, till lately, was considered successful in the North-Western Provinces. The system peculiar to Bengal has been unsuccessful, but the remedy proposed is a further sub-division of districts, not the separation of the Police from the Magistracy.

* * * * * *

As I have, in my proposals connected with the Bengal Police, stated the circumstances which led to the appointment of Superintendents of Police in Bombay, and the partial separation of the Police and Magistracy, it is unnecessary to give the same details in this place.

The office of Commissioner of Police dates from 1855 only. Up to 1849, the Police administration of Bombay was conducted under the superintendence of the Foujdaree Adawlut. The Honorable Court's Orders of the 24th January 1849, directed that the Magistrates should correspond with the Government direct on questions of Police. The system was accordingly adopted with extraordinary success as regarded the efficiency of the Police; but it was soon found that the business in the Judicial Department of the Government was so much increased by this measure, and the improvements in the Police connected with it, that, in 1851, it was proposed to give the Judicial Secretary the aid of a Special Deputy Secretary well acquainted with the system of Police, and prepared to move to any part of the country in which his presence might be required. A Deputy Secretary was appointed, but the Honorable Court, in their letter of the 28th June 1854, expressed their disapprobation of the measure, and the Government of Bombay, in their letter of the 24th February 1855, recommended that the office of Inspector of Prisons, which had been sanctioned by the Court, should be combined with the superintendence and control of the Police throughout the country, "in order that the Government, by means of the intervention of such an officer, might be "enabled to see that the Superintendents of Police properly "discharged their duties, and that the department might be relieved "from a mass of detail which overtakes the Secretary, and which "it is impossible that he should satisfactorily perform." The Supreme Government entertained "doubts as to the sufficiency "of any one officer to discharge the joint duties of Commissioner of "Police and Inspector of Prisons for the whole Presidency of "Bombay," but the arrangement, as proposed by the Government of Bombay, was sanctioned.

The Commissioner reports that the new system is working satisfactorily; that there is a positive decrease of crime, which argues an increased efficiency in the arrangements for prevention; and he is of opinion the returns will prove that there is a decrease in the catalogue of undetected crime, and in the amount of property stolen and not recovered; and that fewer persons have been arrested and acquitted than in former years. The Commissioner writes:— "There are, without doubt, some complications and difficulties. "It will be necessary to define more accurately the authority "vested in the Commissioner of Police, and to limit the interference "of the Magistrates with the Executive duty of the Superintendents. "But, desiring to carry out the policy of Government as conveyed "to me, which especially deprecates any innovation tending to put "the Magistrate in antagonism with the Police, I have been "anxious to watch the working of the system before recommend-"ing alterations. I am not prepared at present to pronounce a "positive opinion whether there are more advantages from the "Magistrate's more immediate connexion and co-operation with "the department, or disadvantages arising from a divided authority. "I am inclined to think that, the Magistrate's position being "clearly established as a subordinate to the Police Commissioner, "as the Collector to the Revenue Commissioner, and restricted as "he is, and must be still more, from all interference with the "discipline and management of the Police force, he should still "continue the head of the Police of his own district, and afford "the benefit of his co-operation, local knowledge and experience, "in the general arrangements; and that the Superintendent "should be still recognized as his subordinate, and obey every "requisition, subject to the general instructions and orders of the "Commissioner. I think it desirable to maintain the authority "of the Magistrate. In his exercise of this authority, his acts "and decisions are subject to my revision, and this control is a "reality; and I am satisfied that the present system is good." The Commissioner further informed me that, with regard to awards by the Magistrates against village officers, they were directly under him, and that Periodical Returns are sent to him,

which are subject to revision, and that dismissals of Police officers are all specially reported to him, and that if he disapproves, he refuses his sanction. In a word, the Commissioner considers the Magistrates, in all Police matters, to be directly under his authority. The Magistrates have occasionally interfered with the Superintendents, and this has led to discussions. The Commissioner is of opinion they should not interfere, but that the Superintendents should be directly responsible to him alone, in all matters of detail. At the same time the Government insist on the necessity of the Magistrate being kept acquainted with all that passes in his district, and the Superintendent of Police is held to be his Assistant. There are no rules for the guidance of the Commissioner, nor any definite orders describing his duties and laying down the charge devolving on him and the Magistrate, in their respective relations to the Superintendent of Police.

It is plain, from what the Commissioner says, that hitherto there has been no injurious clashing of authority; but I think it equally plain that it has been prevented by the personal character and competency of the Commissioner. However, the Court's Despatch of the 24th September 1856, will effectually prevent any clashing in future. The Superintendents of Police will no longer be in any respect subordinate to the Magistrates, and the Magistrates will no longer have any concern with the Police. The Superintendents of Police will have the entire management of the Police, and be responsible only to the Commissioner, and the Magistrates will become Criminal Judges in subordination to the Judges of Sessions.

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In my proposed Report on the Inspectors General of Prisons, I suggested that in future the Inspector General of Prisons and Commissioner of Police at Bombay should receive a salary of Rs. 28,000 per annum, instead of Rs. 30,000, and this reduction

has been approved by the Right Honorable the Governor of Bombay in Council. I have recommended a salary of Rs. 30,000 per annum for the Commissioner of Police for the Madras Presidency, that is, Rs. 2,000 per annum more than has been proposed for the combined offices of Commissioner of Police and Inspector General of Prisons at Bombay. I consider the inspection of prisons to embrace less responsibility than superintendence of the Police, and that an officer, half of whose time is devoted to the less responsible duty, should not be remunerated on the same scale as the officer whose time is entirely occupied in an office of superior responsibilities.

Judicial Department.

No. 8 of 1854.

Our GOVERNOR in COUNCIL at FORT SAINT GEORGE.

* * * * * *

4. In your Presidency the Police is immediately under the direction of the Collector who is also Magistrate.

5. Since the abolition of the Provincial Courts of Appeal and Circuit of the Madras Presidency, by Act VII. of 1843, no local superintendence has been exercised over the Officers entrusted with the administration of justice and Police in the several districts. Except in the case of a deputation for some temporary purpose under Act X of 1849, no such superintendence has of late years, we believe, been exercised over Collectors and Magistrates, whereas the principle of supervision of superior authority was maintained although imperfectly during the continuance of the Office of Principal Collector, with two or sometimes three subordinate district Collectors acting under his authority. The control over the local administration is now exclusively in the

hands of the Government itself, or of the Sudder Adawlut, the Board of Revenue, or the head of some department, all stationed at the Presidency.

6. We are desirous that you should institute such an investigation as you may judge most advisable for the purpose of ascertaining how far this system, which is peculiar to your Presidency, has worked satisfactorily for the public interests. The inquiry has to be conducted under a two-fold aspect :—first, with regard to the faithfulness, the diligence, and the efficiency of the local administration ; and secondly, with regard to the means possessed by the authorities at the seat of Government, for obtaining accurate knowledge of the details of that administration, and to the competency of the said authorities, thus situated, for its direction and control.

7. Should defects be found to exist, the next question will relate to the remedy most proper to be applied to them without giving rise to evils of some other kind.

8. The elements of Police under the Madras Presidency are essentially the same as in other parts of India, consisting of two parts, *viz.* :

Village Officers paid by land exempted from assessment and succeeding hereditarily to the office, and stipendiary servants paid by Government and appointed and dismissed by the district officers. As the Bombay system of placing the establishment under the immediate direction and control of a Superintendent of Police, although still experimental, has been reported to work satisfactorily, we are desirous that you should consider whether a similar arrangement might not be advantageously introduced under your Presidency. You may possibly have occasion to refer to the Bombay Government, from whom you will be able to obtain all necessary information.

9. One important consideration is that of not causing any unnecessary increase of expense, and none in any case, that will not bring with it an adequate advantage.

10. You will submit the result of your investigation to the Governor General of India in Council, and you will apply for sanction for any modification of the establishments which may seem to you desirable. You will also fully report your proceedings on the subject of our information and further directions.

We are,

Your loving friends,

(Signed) J. OLIPHANT,
(„) E. MACNAGHTEN,
and 8 *other Directors.*

LONDON;
23*rd August* 1854.

Judicial Department.

No. 763.

EXTRACT FROM THE MINUTES OF CONSULTATION UNDER DATE THE 20TH OCTOBER 1854.

THE Right Honorable the Governor in Council proceeds to pass orders on the letter in this Department from the Honorable Court of Directors, dated 23rd August 1854, No. 8.

Ordered, that copy of the above Despatch be furnished to the Court of Sudder Adawlut, and to the Board of Revenue respectively, and that they be requested to submit at an early date their opinion upon the operation of the existing system of control over the local administration, in the several departments of Police and Revenue,

regarded under both the points of view adverted to by the Honorable Court in para. 6—and upon the reforms, of which it is susceptible.

2. Referring to paras. 3 and 8 of the Despatch, the Foujdary Adawlut will specially report upon the expediency of adopting in the districts under this Presidency, the system which has been experimentally introduced in the Bombay Provinces of placing the Police establishment under the immediate direction and control of a Superintendent of Police subordinate to the Magistrate. A general description of this system will be found in para. 32 and the remaining paras. of a memoir of the Police reform of the Presidency of Bombay—appended to No. 1 of 1853 of the Selections from the Records of Government in the Police branch of the Judicial Department. This number will be forwarded to the Foujdary Adawlut. Tne Governor in Council also resolves to apply to the Government of Bombay for information as to the extent to which this system has hitherto been carried out in that Presidency, the success which has attended it, from what classes the Superintendents are taken, and whether any of them are Covenanted Civil Officers, and what salaries are assigned to them.

Ordered, that the following letter be despatched.

(Signed) T. PYCROFT,
Chief Secretary.

No. 108.

FROM

A. J. ARBUTHNOT, ESQ.,

Acting Register to the Court of Foujdarry Adawlut,

To

T. PYCROFT, ESQ.,

Secy. to Govt. in the Judicial Dept.

SIR,

1. I am directed by the Judges of the Court of Foujdarry Adawlut to reply to the Extract from the Minutes of Consultation under date the 20th ultimo, forwarding copy of a Despatch from the Honorable Court of Directors, and requesting the Court to submit their opinion upon the operation of the existing system of control over the local administration in the Police department.

2. The Judges will premise their remarks by observing that from the tenor of para. 5 of the Honorable Court's Despatch, the Court of Directors would appear to labor under considerable misapprehension in regard to the nature of the control now exercised over the Magistrates and Police in this Presidency, as compared with that in force previous to the abolition of the Provincial Courts of Appeal and Circuit by Act VII. of 1843. The Honorable Court observe that since the abolition of those Courts "no local "superintendence has been exercised over the Officers entrusted "with the administration of justice and police in the several "districts," and that "the control over the local administration "is now exclusively in the hands of the Government itself or of the "Sudder Adawlut, the Board of Revenue, or the head of some "department, all stationed at the Presidency," apparently overlooking the fact that by the enactment above quoted the powers vested in the former Courts of Circuit were completely transferred to the present Session Judges, who within their

respective zillahs are invested with precisely the same powers of supervision over the proceedings ot the Magisterial and Police authorities as were exercised by the Courts of Circuit in the divisions within their jurisdiction. The number of supervising authorities has consequently been nearly doubled, and the facilities for local supervision have of course materially increased. There are, no doubt, disadvantages attendant on the present system, which were not felt in the same degree under the old system of Provincial Courts. The number of Officers to whom the duty of supervising the proceedings of the Police and Magistracy is entrusted, while it affords increased facilities for local supervision, precludes, in a great measure, the possibility of selection according to fitness for the superior posts. Another objection to the present system is, that the Zillah Judge is too much on a par in respect of position with those over whom he has to exercise control. He is always of similar standing to the Magistrate, whose emoluments are the same as his own, and who is not unfrequently his senior in the service. In most districts, the Zillah Court and the head quarters of the Magistrate and of his Assistants are at the same station, which brings the appellate authority, and those whose proceedings he has to supervise in daily and familiar intercourse. The independence of mind, which is so essential in an Officer who has to comment on the acts of others, his equals in condition of life, is thus endangered. The appellate functionary may also have learnt to feel himself inferior to one or more of those placed subordinate to him, and from this embarrassing position there is no escape. The Judges of the Provincial Courts, on the contrary, were decidedly raised above those whose acts they had to supervise, and were greatly freed from the influence of local restraints and associations, and in respect of the judicial proceedings of the Officers of the Magistracy and the proceedings of the Police in the cases brought to trial, the weight of their authority was felt.

3. It is not, however, in this deparment of the administration of justice that the want of an improved system of supervision is

practically felt. The judicial powers exercised by the Magistracy are comparatively unimportant, and the want of a more efficient system of supervision over them than that which is provided by the existing system, is a want which can only be remedied by an improved system of training and selection for the judicial branch of the service, while, as observed by the Government of Bombay in the Memoir* forwarded with the Extract from the Minutes of Consultation now under reply, the degree of supervision which can be exercised over the proceedings of the Police by a judicial functionary must, of necessity, be ineffectual, compared to that which can be effected by an efficient Superintendent of Police

* Returned herewith.

4. The evil, which in this Presidency as in Bombay, and the Judges believe all over India, is most felt in the administration of criminal justice, and which most loudly calls for a remedy, is the want of an efficient preventive and detective Police.

5. The materials of a Police force, no doubt, exist, which, if sufficiently strengthened and placed under adequate supervision, might be rendered all that is required; but its present organization is extremely defective, and the degree of supervision which the Magistrates are able to exercise over its proceedings is by no means adequate. In this Presidency as in Bombay, the time of the Magistrates is principally devoted to their revenue duties, and those who take the most active interest in the superintendence of the Police, are debarred by the other calls upon their attention from devoting to it that unremitting care and supervision which are essential to the prevention and detection of crime. To remedy this state of things, the Judges are of opinion that, if it be deemed expedient to separate the offices of Magistrate and Collector, the system which has been brought into operation in Bombay of placing the Police in each district under the immediate direction and control of a Superintendent of Police subordinate to the Magistrate might be advantageously adopted here. The

separation of the judicial duties of the Magistrate from those which relate to the prevention and detection of crime, appears to the Judges an excellent arrangement. It, moreover, is most desirable to have an officer who may be available, on an emergency, to trace out serious crime on the scene of its occurrence, and in whose proceedings full confidence may be placed. This duty at present devolves on native functionaries, whose proceedings are ordinarily very ineffective, and command no confidence, so that the judicial authorities have constantly to be on their guard against the machinations of the Police, by whom confessions are extorted and evidence concocted to save themselves from the stigma and consequences of the failure in the detection of crime. In most of the districts in this Presidency two Superintendents of Police would be required.

I have the honor to be,

SIR,

Your most obedient servant,

(Signed) A. J. ARBUTHNOT,

Acting Register.

FOUJDARRY ADAWLUT;
Register's Office,
The 22nd November 1854.

MINUTE BY THE RIGHT HONORABLE THE PRESIDENT.

Government House, May 4, 1855.

* * * * * *

42. The third and last subject for inquiry is, that of the Police as a detective and preventive force.

43. It is not in my power to assert—that my information leads me to suppose—that the agents of Police, whether tehsildars, sub-officers or peons, can be declared as a body to be faithful, diligent, and efficient.

44. At the same time, I am disposed to think, that many of these officers are zealous in their desires and exertions, and support their superiors, though at times they may, in the performance of their duties, resort to measures which are not justifiable.

45. I have also good reasons for attributing the laxity which may be evinced to an accumulation of offices on individuals, and to insufficient emoluments.

46. Whether the Police of this Presidency can be positively asserted to be inefficient, is a point on which I am not prepared to give an opinion.

47. There are facts which may have a tendency to lead to this conclusion, but by no means prove it.

48. One is the very small proportion of prisoners in the jails as compared with Bengal and the N. W. Provinces and Bombay.

49. Again, the frequent complaints which are made of the prevalence of gang robberies, concerning which I enclose a pamphlet on the subject addressed to myself.

50. But the information which Government possesses on this subject is altogether insufficient for forming any opinion, and I have no hesitation in stating my opinion, that a material alteration is requisite in the formation and arrangement of the Police Corps before Government can obtain that accurate knowledge which it should possess, in order to enable it efficiently to protect person and property, and to prevent and detect crime.

51. The system which has been adopted in Bombay appears to be working well, and I should think might easily be adopted in this Presidency.

52. The plan of leaving the Village Police entirely under the local authorities and ultimately under the Collector, is judicious, and almost necessary under the peculiar circumstances of society in India.

53. I am not aware, neither do I gather from the report of that Government, whether a regular Corps has been formed, or whether the change has been restricted to the appointment of a Superintendent in each district, the subordinates and peons in the district being retained in the service solely for Police duties.

54. My own opinion is, that eventually, though it might be advisable to introduce the plan gradually, a Police Corps should be formed for the whole Presidency, officered by Europeans, so far as to enable the chief officer to reside principally at Madras, and to allow of one subordinate at least to be resident in each district. There would of course be subordinate native officers also.

55. A portion of this Corps should be mounted, and the whole force would be distributed throughout the Presidency in such manner, as should appear best to the Government.

56. The men should be armed, and good pay given to them, so as to make it an object to be received into the Corps. The strictest discipline should be enforced, and a liberal system of rewards, for zeal, activity, and sagacity be adopted.

57. The officer at the head of the Police in each district would, of course, be under the orders of the Collector; but it would be his special duty to carry out the general rules of discipline, and he would report on these points, and also forward every kind of Police information to the Commandant at Head Quarters.

58. Thus Government would be constantly supplied with information, which it always requires, and should have; and every means would be given to facilitate the activity of the Police duties throughout the country.

59. With respect to the number which this Corps should contain, it is difficult at present to state anything very precisely.

60. From a return which has been furnished me, and which I believe is pretty correct, I find that the present Police force, officers and men, independent of those attached to villages,

		Monthly cost.
numbers	13,111	69,556
in addition to those who perform other duties as well as Police	4,525	14,926

independent of the Police of Madras.

61. This force, if properly disciplined, should be almost more than sufficient for the Presidency, in addition to the Village Police, whose co-operation should be enforced.

62. The same Corps should furnish the Police for the Military Cantonments.

63. By habituating both officers and men to different kinds of duty, and by requiring frequent changes to different parts of the country, a degree of efficiency would be obtained, which would insure that success in the result which Government should desire.

64. The Corps could only be formed and disciplined gradually, but the officers could not be appointed at too early a date.

* * * * * *

(Signed) HARRIS.

MINUTE BY THE HON'BLE SIR H. C. MONTGOMERY, *Bart.*

* * * * * *

12. I have always been of opinion that it would be advisable to remove the supervision of the Police functions exercised by the Magistrates from the Foujdarry Adawlut to the Government direct, or to a separate officer in immediate communication with the Government. The control of the Police is incompatible with the judicial duties of the Foujdarry Adawlut, and it would be more efficiently executed by a separate agency in communication with Government than it can be by a Court having other onerous judicial duties to perform. It is very necessary that the Government should be better informed of the operations of the Police than it now is or can be while the control remains as it is.

13. I am not inclined to the belief that our Provincial Police is so inefficient as it is the fashion to assert it to be. I believe it possesses the elements of great efficiency; but we have allowed in many parts of the country the old village sytem to fall into decay, and the emoluments of office of the village servants to become so diminished, that their services cannot be exclusively devoted to their duties.

14. The payment of the inferior Village Police servants has lately been regulated in some districts, and this measure of improvement is being extended as such district comes under review.

15. The renovation of the village Police appears to me to be the first step towards insuring increased efficiency. Another is the augmentation of the District Stipendiary Police establishments, which throughout the country are admitted to be not strong enough for the duties required. These must be augmented, so that the range of observation assigned for each station may be considerably diminished; at present, several villages, comprising an area of many miles, are generally left to the supervision of a single peon.

16. Whatever will give increased strength to the Magistrate in the exercise of his Police functions is highly desirable, and I therefore look upon the proposed measure of attaching to him separate European officers, whose special duties shall be under his control, to organize and manage an establishment, to be employed exclusively in Police duties, to trace and follow up offenders, and to be frequently visiting the different parts of the district assigned to them, is well calculated to promote the objects in view.

17. In some districts I believe two such Officers will be requisite, and if active and zealous in the performance of their duties, and aided by sufficient force, I should expect much good to follow from their employment in the suppression of crime and in the breaking up of bands of marauders, with which at times some parts of the country are infested.

18. But it is not so much the detection and apprehension of offenders that will produce benefit, as the greater certainty of their conviction after apprehension. I believe ordinarily the Police do find out the real offenders; but the difficulty of obtaining evidence that satisfies the judicial tribunals is so great, that conviction is rarely secured; and the probability of the release of criminals by some of the several Courts by whom they are in succession tried, is so great, that persons fear to incur their vengeance by giving evidence against them or by co-operating for their punishment.

19. The Police, in fact, is often enfeebled and rendered ineffective in its operations by the fastidiousness of the Courts, and the requirements of evidence, which the state of society in this country does not admit of procuring. Until some remedy is found for this evil, the utmost exertions of the best Police will be unavailing in the prevention of crime.

20. It was found necessary in Bengal for the suppression of dacoity to alter the law, and a more summary process against

dacoits was sanctioned by Act XXIV. of 1843, which has had good effect. The application of this enactment to this Presidency has, I believe, been contemplated, but has not been carried out, because the crime of gang robbery had not yet attained that magnitude in these territories, which was considered to justify its introduction in Bengal. Whether the protection of the people against this worst class of offenders now demands a more summary course of procedure than the existing practice recognizes, seems to me a matter for grave consideration.

* * * * * *

(Signed) H. C. MONTGOMERY.

Judicial Department.

No. 579B.

TO THE SECRETARY TO GOVERNMENT OF INDIA.

* * * * * *

Letter dated 22nd November 1854, para. 4, No. 108.

25. The state of the Police in the districts under this Presidency must be admitted to be most unsatisfactory. The Judges of the Court of Foujdarry Adawlut have with truth remarked that " the " evil most felt in the administration of criminal justice, and which " most loudly calls for a remedy, is the want of an efficient preven- " tive and detective Police." The materials for such a force they add, " no doubt exist, which, if sufficiently strengthened and " placed under adequate supervision, might be rendered all that is " required ; but its present organization is extremely defective, and " the degree of supervision which the Magistrates are able to " exercise over its proceedings is by no means adequate. The " time of the Magistrates is principally devoted to their revenue

" duties, and those who take the most active interest in " the superintendence of the Police are debarred by the other " calls upon their attention from devoting to it that unremitting " care and supervision which are essential to the prevention and " detection of crime." Of the correctness of this representation there can be no question—nor can it be denied that the inability of the present Police establishments to cope with the prevailing amount of crime, or to ensure protection to person and property, has latterly become more than ever marked and notorious. I am desired in proof of this to annex two letters* from a Collector of a district, but a short distance from the Presidency—the southern division of Arcot—describing the state of crime in his district, and applying for additional means for its repression. These have been granted as a present palliative, but the evil is not to be dealt with by such temporary expedients, nor is it confined to any single province.

* Dated 10th and 26th July 1855.

Districts.		With aggravating circumstances.	Without.	Total.
Bellary	..	119	295	405
Nellore	..	12	64	76
Chittoor	..	29	99	128
Chingleput	.	11	23	34
South Arcot	..	15	217	232
Salem	..	37	34	71
Combaconum	..	44	93	137
Trichinopoly		22	56	78
Tanjore	..	3	29	32
Madura	..	32	20	52
Tinnevelly	..	30	54	84
Malabar	..	19	42	61
Canara	..	12	19	31
Ganjam, Agent	..	11	22	33
Vizagapatam, ditto	..	0	3	3
Kurnool, ditto	..	25	2	27
Guntoor	..	1	1	2
Cuddapah	..	56	81	137
Ganjam	..	0	2	2
Vizagapatam	..	1	0	1
Rajahmundry	..	0	11	11
Masulipatam	..	11	76	87
Total	..	481	1,243	1,724

The annexed Table given in the margin exhibits the number of gang robberies in the several districts in the Presidency for the past year 1854.

26. For the re-organization of the Stipendiary Police of this Presidency, and putting it upon an efficient footing, two measures seem to this Government to be indispensable—*first*, to separate Police from Revenue functions, and to confine the District Police absolutely

to Police duties; and, *secondly*, to place the force thus set apart under close and undivided European superintendence. The first of these measures will not only tend to secure that efficiency which is not to be expected when the officer is liable to be employed on different and sometimes conflicting duties, but will serve to obviate the oppression which the late enquiry before the Commissioners, for the investigation of torture, has evinced to be incident to, and favored by, the concentration of fiscal and Police powers in the same hands. The second will ensure that discipline in the force, and that promptitude and vigour in its action which are indispensable to an efficient Police administration.

27. Commencing then with the native district Police stipendiary officers, peons, duffadars, &c., the Government propose that in every district, those who are henceforth to be employed on Police duty, be wholly separated from native revenue servants; that none be allowed to serve, but such as are of suitable age and able bodied; they be well armed and equipped, and instructed in the use of their weapons; its members being available for "general service," or for employment in any part of the Presidency. It will be proper to have gradations of rank both for the due maintenance of discipline and to afford means of promoting the deserving. It will also be found necessary to have a part of the force mounted.

28. The management of this force becomes the next consideration, and here this Government would advocate recourse to the plan obtaining in the Bombay Presidency, and suggested for their consideration by the Honorable Court. It will be seen that this is recommended by the Magistrate of South Arcot, who urges its adoption in his district as the most efficient means for the repression of crime there. It is also highly approved by the Judges of the Court of Foujdarry Adawlut. The separation of the judicial duties of the Magistrate from those which relate to the prevention and detection of crime appears, they say, an excellent

Letter dated 22nd November 1855, para. 5, No. 108.

arrangement. It, moreover, is most desirable to have an officer who may be available, on an emergency, to trace out serious crime on the scene of its occurence, and in whose proceedings full confidence may be placed. This duty at present devolves on native functionaries, whose proceedings are ordinarily very ineffective, and command no confidence, so that the judicial authorities have constantly to be on their guard against the machinations of the Police, by whom confessions are extorted and evidence concocted to save themselves from the stigma and consequences of failure in the detection of crime.

29. In these views the Government quite concur. They would therefore propose that, as in Bombay, a Superintendent of Police be appointed to each district, to be in general subordination to the Magistrate, but to have immediate charge of the District Police force, and to be vested with the special duty of the prevention or detection of crime. In some of the largest districts it may be necessary to have two Superintendents, but for the present the Government limit their calculations to one.

30. The success of the whole scheme, as experience has shown at Bombay, will, however, largely depend upon its being efficiently supervised by some central controlling authority. For this purpose the Government would most strongly advocate the appointment of a Commissioner of Police for the whole Presidency. His chief station should be at Madras, the Police force of which, as that in the Mofussil, should be under his surveillance, but he would make occasional tours in the Provinces, and ascertain, by personal inspection, the defects in the working of the system. He would be the referee and adviser of Government in all matters of Police, and the channel through which all reports and returns on Police are made to them; occupying, in fact, much the same relation to the Police department as the Director of Public Instruction to that of education, or the Inspector of Prisons to that of jail discipline. At present the Police of the country is nominally under control

of the Foujdarry Adawlut, whose constitution is by no means peculiarly fitted for the trust, and who are too much occupied with other duties to give it much of their attention. The appointment of the Commissioner should, the Government think, be the very first step towards the organization of the new system. The Superintendents would be nominated gradually as fit men could be found and arrangements made.

31. The village Police in Madras as in the Bombay Territories would, for the present at least, continue under the control of the Collector and Magistrate. The Government are, however, by no means certain that eventually it might not be found practicable as well as advisable to extend to the village establishments the separation of Police and revenue functions which is at once to be carried out in regard to the talook authorities. The village watcher, Taliar, Cavilcar, or whatever else might be his local designation, would then be directly under the orders of the Superintendent of Police. But this, with other matter of detail, will be the subject of consideration as the organization of the system proceeds.

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(Signed) T. PYCROFT,
Chief Secretary.

FORT ST. GEORGE,
14th *August* 1855.

No. 12 OF 1856.

OUR GOVERNOR IN COUNCIL AT FORT SAINT GEORGE.

* * * * * *

6. You also recommend that the Stipendiary Police in each district be withdrawn from revenue duties, and placed under a

Superintendent, either Military or Uncovenanted, as in the Bombay districts; leaving the village officers for the present to be employed, according to the ancient usages of the country, under the immediate authority of the Collector and Magistrate. We learn with much concern, and not without surprise, that the number of gang robberies attended with aggravating circumstances in the year 1854, amounted in the Madras districts to no less than 481; and the total number of gang robberies of all kinds to 1,724. Such results, doubtless, indicate a great failure either in the means at the disposal of officers charged with preserving peace and good order, or in their use of such means, and call loudly for a remedy.

7. With regard to your proposal that the entire control of the Police in the town of Madras and in all the districts should be vested in a Commissioner resident at the Presidency; we have to remark that an appointment in a great degree similar has recently been abolished in the Lower Provices of Bengal; that such an appointment has long ceased to exist in the North-Western Provinces; and that a frequent clashing of authority might be apprehended, if the Superintendent of Police in each district were subordinate, at the same time, to the Magistrate, and also to the proposed Commissioner, who, from the Magistrate's position, and the nature of his duties and engagements, could not be vested with any control over that Officer.

8. Having taken the foregoing survey of the recommendations submitted by you in persuance of our instructions noted in the margin, it remains for us to assure you that they shall receive our deliberate consideration, when reported upon by the Government of India, whose sanction you have solicited for the expense with which they would be attended. For many of the items of that expense we are unable to find adequate reason: and being most anxious that all practicable means should be employed for developing the resources of the country, and affording protection to the people against the violence

23rd August 1854, No. 8.

of men setting the law at defiance, and no less against oppression and extortion by the inferior agents, through whom the law and the public revenues must be administered, we cannot but express regret that the measures which you have proposed with that view should involve so great an increase of expense, as must throw some difficulty in the way of adopting them. The several items which you have enumerated amount to Rupees 6,43,600 per annum. To this has to be added the proposed increase to the number of Sub-Collectors, to the salaries of Tehsildars, and to the pay of the Police force, in number 17,636. You have made no allowance for any addition to the revenue establishment in consequence of the withdrawal of so large a body from that branch of the public service. The increased expenditure could not, we compute, fall short of ten lakhs of Rupees per annum. Practical benefit must arise from the examination which the subject has undergone; and it will afford us the most cordial satisfaction to sanction any well considered improvement in your system of internal administration; but we should feel more reliance on your recommendation of what is really required after the Governor has visited the interior of his Presidency, and made himself practically acquainted with its wants.

Uncovenanted Assistants ..	3,45,600
Commissioner and Superintendent of Police	2,20,000
4th Member of Board of Revenue	36,000
Increase of Collectors' salaries	42,000
Total, Rupees ..	6,43,600

We are, your loving friends,

W. H. SYKES,

ROSS D. MANGLES,

and 8 *other Directors.*

LONDON,
The 23*rd* *July* 1856.

MINUTE BY THE RIGHT HON'BLE THE PRESIDENT.

MADRAS, SEPTEMBER 11, 1856.

* * * * * *

I BEG to state, that I did not enter upon the consideration of this matter either with undefined ideas of the duties and efficiency of a Police force, or without practical experience on the subject in question, in which I had previously obtained satisfactory results.

I will at once mention, that I believe that no Police force can be efficient, unless it be placed under one command, and unless there be uniformity of discipline and of method throughout the whole body.

I conceive the duties of such a Corps to consist in the preservation of the public peace--the protection of person and property —the prevention and detection of crime—and last (though not least important to a Government, conducted by a few foreigners amidst vast masses of another race)—the procuring continued accurate information on the state of the country and the feelings and sentiments of the population.

It must be evident, that to secure the accurate and punctual performance of these important duties, the force must be under one head, who shall be capable of selecting suitable agents and of combining plans for the accomplishment of the several objects in view—of directing the movements—of keeping up the communications,—and of collecting information for Government.

Another point which I am of opinion is absolutely required for the proper formation of a Police Corps, is that its members should be restricted solely to the duties abovementioned, and that judicial duties should, on no account, be joined with them, excepting such as may have reference to the internal discipline of the Corps.

I believe the liberty of persons is seriously involved in this question, and that it cannot but suffer detriment to a greater or less extent in all cases where Magisterial and Police duties are devolved on the same Officer.

Now, if these views are at all correct, either as to the objects to be attained by a Police force, or as to the method to be employed in attaining them, there can be little doubt that the method is totally different to the system established here at present; and that if the objects mentioned be those of a well organized Police force, they have not as yet been arrived at in the Madras Presidency.

I have no hesitation in stating my opinion, that it is scarcely possible to conceive a worse Police organization than that at present in existence, or one more unfit to meet the requirements which may be legitimately made upon it.

The theory is this—the Police force is supposed to be under the direction of the Judges of the Sudder.

Here at the out-set, we find the Judicial and Police Officer combined.

How far the Judges enter into the affairs of the Police, I am not aware; but I know, that on my arrival at Madras, such a thing as a list of the numbers and distribution of the Police force was not to be procured from their office.

In fact, the Police of the country is entirely confined to each district under the Collector, and there is no general supervision whatever, and no regular communication from one district to another, or to any central office on the several points of Police business, which so imperatively require combination of thought and action.

How far even there is any communication between the different talooks of the same district, is doubtful, or depends, I imagine, very much on the orders of the Collector for the time being.

The want of combination and of effort, and the neglect of communication were very remarkably manifested in the case of the murder of the late Mr Conolly.

The assassins, previously to committing the act, wandered about the district, after having escaped from jail, without hindrance; it being at the same time known that they intended to perpetrate some fearful deed, the tehsildars apparently taking no notice of them, and not even informing each other of their movements.

In the case of the murder of Mr. Horsley, the Police of Bellary appear to have been entirely baffled.

It is a matter for very serious consideration, and one to which I wish to call particular attention, that European Officers can be so easily murdered.

In the letter to the Honorable Court, the number of gang and highway robberies for the year 1854 was given.

I now give those for 1854, for 1855,* and for the first six months of 1856.

* Corrected from Sudder Returns.

Returns of Gang and Highway Robberies for 1854-1855, *and for the* 6 *months of* 1856.

	1854.	1855.	6 months of 1856.
	No.	No.	No.
Gang Robbery	1,724	1,675	604
Highway ditto	831	927	475
	2,555	2,602	1,079

It is only just, however, to state, that the years 1854 and 1855 cannot be considered average years, as a severe drought has caused great want of food, amounting in some places to famine, and there was consequently an increase of crime.

At the same time I feel bound to state the impression which I have acquired from all I have observed during my residence in this country, which is, that there is nothing to hinder any number of men, who choose to attempt acts of violence or robbery, from committing them, without much probability of prevention, and with a very fair chance of escaping detection.

But the most remarkable part of this system is, that it would appear to be of no importance, that the Government should be in possession of any information or control on this subject.

The Government which speaks through its Chief Secretary and receives information through him, is by his department in no way directly connected with the Police arrangements of the country.

* * * * * *

I have stated, that the Police is, in fact, confined to the districts; there is moreover no general system of discipline, none of instruction, none of recruiting.

Its efficiency depends entirely upon the Collector, who may or may not have qualifications for this particular service.

Under any circumstances, the Collector, with his other numerous duties, must leave the details to his subordinates. These are principally his Tehsildars; they are generally natives, and are at the same time revenue officers, and Magistrates with limited power, in addition to being heads of Police.

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The Hon'ble Court observe in their Despatch, para. 7 :—

" With regard to your proposal that the entire control of the "Police in the town of Madras and in all the districts, should be "vested in a Commissioner resident at the Presidency, we have to "remark, that an appointment in a great degree similar has recently "been abolished in the Lower Provinces of Bengal, that such an "appointment has long ceased to exist in the North-West Provinces, "and that a frequent clashing of authority might be apprehended, "if the Superintendent of Police in each district were subordinate "at the same time to the Magistrate and also to the proposed "Commissoner."

I am not aware of the circumstances which caused the abolition of the office of Commissioner of Police in Bengal and in the North-West Provinces, neither am I acquainted with the system which had been established under that officer in those Governments ; and it would require a minute enquiry into those circumstances, and into that system, to enable me to judge whether the principle I have laid down, as the only one on which an efficient Police can be established, was in any degree carried out.

With respect to the clashing of authority between the Magistrate and the Commissioner, I am induced to think that any collision of the kind might be entirely avoided.

The Magistrate, as a judicial officer, I hold, should have nothing to do with the Police.

I believe such a combination of duties must, speaking generally, tend to compromise the Officer and to endanger the liberty of the subject.

The Collector and Magistrate should be considered as the chief administrative Officer of Government in each Province.

In this capacity he would direct the distribution of the Police and call for their services when required, but he would have nothing to do with the interior economy of the force. That would be regulated by the Commissioner under the orders of Government.

It was supposed that the same difficulty would occur by separating the maramut establishment of each District from the Collector, and by placing it under a District Engineer in the Public Works Department; but practically this has not been found to be the case.

The question of expense is one of far more serious consideration under the financial circumstances of the country.

But I believe it would not be so much in excess of the present cost as may be conjectured.

I am of opinion, that on an average there should be one Police Constable to every thousand inhabitants; estimating the population of the Presidency at 22,000,000, the Police force should then be composed of 22,000 men.

The returns of the present force, so far as they can be ascertained, (the Police and revenue establishments being so mixed up together as to render any division almost impossible) gave 18,000 men—to this number must be added the three Sibundi forces of Ganjam and Vizagapatam, the Kurnool horse, and the Malabar Police force, in all about 1,000 men.

Then, every year, applications for additional men to be employed temporarily from some of the Collectorates are made and sactioned.

So that the actual force equals very nearly in numbers that which it is proposed to organize.

The European Officers, one to each district, and the mounted portion of the force, would be the chief additional expense.

Both these I consider to be absolutely required; in fact, it would be useless to attempt a re-organization of the force without, in the first instance, appointing a European Officer to each district.

The mounted men would be introduced gradually, and need be no great expense at first.

On one point, since formerly writing on this subject, I have very decidedly changed my opinion, and that is with respect to the Village Police.

They, I think, should be under the same control as the District Police, in order to ensure uniformity of discipline and action.

The chief difficulty in effecting this would be caused by the pernicious custom which has generally prevailed of paying these men by service Enams, which have been allowed to become hereditary; but as these Enams were abolished in Tanjore and Tinnevelly with good effect, there is no reason why the same course should not be gradually adopted throughout the Presidency.

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(Signed) HARRIS.

MINUTE BY THE HONORABLE W. ELLIOT, Esq.

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I fully concur with the President as to the character of the existing Police—its faulty organization—its defective working. For purposes of prevention it is useless; for those of detection, it is far from successful.

* * * * * *

The system of Police now in force is that which was left by the native Governments which preceded our rule. We took it exactly as we found it. It has been little altered, and in no wise improved.

The foundation of the system is the Village Police.

The hereditary head man of the village, with his scribe (the Curnum), the watcher and his assistants, the Vettis—form the working agency.

These were subject to the district or pergunnah officers, and these again to the Governor of the Province.

There was no division of authority. All power, whether Revenue, Judicial, Military, or Police, was concentrated in the same functionaries throughout their several grades.

They were not fettered by forms of procedure or rules of law.

When a crime was committed, the inhabitants of the village were held responsible. They were bound to produce the perpetrator, or to make good the loss, or were subjected to fine. If they succeeded in tracing the criminal to the another village, the responsibility was transferred to it.

The system was rude. Its action was often arbitrary. But it imposed upon all an interest in maintaining order.

Under vigorous control it repressed crime, but its efficiency depended on the personal character of the individual in authority.

The same machinery is still retained, but its working is changed.

Village officers are no longer held answerable. It is thought unjust to amerce them for failure of success. The stimulus of joint

responsibility is gone. Owing to the peculiar frame-work of Indian society, the interest of the people is confined to their own village. No solicitude is felt for matters beyond its limits. They have therefore no object in joining the hue and cry to trace the thief who has robbed their neighbors.

The proceedings of the Magistrate are under the supervision of the judicial officers; the control of his subordinate agents under those of the revenue. Every act and order and sentence is reviewed by the Sessions Judge and Court of Sudder Adawlut. Every fine or removal of a peon or village officer is subject to the revision of the Board of Revenue.

Divided control itself weakens efficiency. But this is not all.

The Courts require an adherance to forms of procedure, and are guided by rules of evidence, which more often protect the criminal than satisfy the ends of justice.

Their tenderness in dealing with offenders, their unwillingness to convict without the clearest testimony, their fastidiousness in estimating the value of evidence are carried to an extreme. It may be that a sub-Judge feels loath to act on his single judgment, when there is the smallest room to doubt. It may be that where the office is obtained, by the chances of the service, not by the possession of judicial qualifications, there is often a want of the firmness and self-reliance required for arriving at a decision under such circumstances.

Whatever the cause, the effect is unquestionable. The chances of escape, compared with those of conviction, are in favor of offenders.

Professional robbers let loose are encouraged to persevere in crime. Honest men are deterred by dread of their vengeance

from appearing against them. Heads of villages, relieved from responsibility, are often in league with the thieves. The village watcher, selected originally from the predatory tribes, instead of serving as a check, becomes their ally.* Systematic plunder by organized bands is carried on with comparative impunity. The Magistrate is discouraged. The exertions of the Police are relaxed. They may trace the authors of individual acts of violence, the outbreak of angry passions—but they fail in tracing crimes against property, whether perpetrated by fraud or by open spoliation.

Whenever this system has been found to produce evils of sufficient magnitude as peremptorily to call for a cure, the remedy has been found by suspending the system itself. Such is the explanation of Acts XXX. of 1836, XVIII. of 1837, XVIII. of 1839, XXIV. of 1839, XXIV. of 1843, and XXIII. of 1854, &c.

But it is only when suffering has become intolerable that relief is afforded. Meantime the people are left exposed to all the misery which insecurity of person and property produce.

I believe this to be the condition of the rural population in all the Regulation Provinces.

In the Non-Regulation Provinces the case is different. There the Police is kept efficient by the unity of authority and the large discretionary powers vested in the officer at the head of affairs. The officers selected for such positions are men of acknowledged ability, and they exercise a large control over extensive tracts and over numerous subordinate officers.

In a Regulation District every man rises to the head of a department in his turn, and these departments are co-ordinate and independent of each other in the same zillah.

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* This curious arrangement appears to be universal throughout Southern India. In the Carnatic the Taliars are taken from the Maravers and Kullers; in Mysore from the Bedars; in the Dekhan from the Ramoosies; in Guzerat from the Kulis; in Central India from the Bheels, &c., &c.—all of them professed and hereditary robber tribes.

But the division of labor has been partial only. To secure efficiency, it should be complete.

The judicial functions have been committed to a distinct body of officers. The Revenue, Magisterial and Police duties have been left conjoined in the same hands to another.

Either there must be unity of authority and action, or the separation of functions must be carried to its legitimate extent.

But we cannot retrograde. It is too late to go back to a primitive form of administration.

Every branch of the administration, therefore, must be made complete in itself.

The Police requires a separate organization.

The Magistracy must be separated as far as practicable from the Police.

The cost of such changes will be considerable, but the expense will be small in comparison with the magnitude of the evils to be corrected.

I do not consider it necessary to separate the magisterial entirely from the revenue functions at present.

The Collector and his Assistants should still perform the duties of the Magistracy as far as relates to the disposal of minor offences. But Tehsildars should be relieved from all such power, which should be committed to Uncovenanted Deputy-Magistrates conveniently located.

Act XII. of 1854 provides the means of supplying such functionaries at once. Their numbers may be increased, and the more intelligent, or 1st class Moonsiffs may be made committing Officers.

I concur with the President in the propriety of placing the Police of each zillah under a distinct Superintendent, subordinate only to the Collector, but invested with exclusive direct control over all the Police of the district.

This should include the established Village Police, which I would make as efficient as possible, and which should be organized specially as a *preventive* Police.

I attach little value to the Constabulary or Peon Police for such purposes. Their employment should be mainly directed to *detective* duties, and to the general supervision of the Village Police under the Superintendent.

* * * * * *

(Signed) WALTER ELLIOT.

Judicial Department.

No. 41 of 1856.

OUR GOVERNOR GENERAL OF INDIA IN COUNCIL.

Police of India.

1. Our attention has been directed, on various occasions of late, to the character and proceedings of the Police in different parts of India, and the reports which, from time to time, have been laid before us have combined, with many incidental notices of failure or abuse, to deepen the conviction that an immediate and thorough reform of the Police in all the old Provinces of British India is loudly called for.

2. In considering the measures to be taken for effecting such a reform, it will be necessary to advert very briefly to the

arrangements already existing in the several Presidencies to the evils of the present system, and to the duties for which provision must be made.

3. The district in all the Presidencies are sub-divided into several subordinate jurisdictions, each of which has its local Police. In Bengal the local Police "are prohibited from enquiring into "cases of a petty nature, but complaints "in cases of the more serious offences are "usually laid before the Police darogah, who "is authorized to examine the complaint, to issue process of arrest, "to summon witnesses to examine the accused, and to forward the "case to the Magistrate, or submit a report of his proceedings, "according as the evidence may, in his judgment, warrant the one "or the other course." They are, in fact, charged with all the duties of a preventive and detective Police. In the Lower Provinces they exercise no revenue functions, but in the North-Western Provinces the Tehsildars may be vested with the powers of Police Darogahs at the discretion of the Government.

First Report, Indian Law Commission, para. 119.

4. The duties ordinarily performed in Bengal by the Police Darogahs are, in the Presidency of Madras, performed by the Tehsildar, who, as his title implies, is also a revenue officer. The powers of the Tehsildars, however, are much more extensive than those of the Police Darogah. A Tehsildar is authorized not only to enquire into petty cases, which the Bengal Darogah is prohibited, on pain of dismissal from office, from investigating, but also to proceed in certain specified instances to judgment, sentence, and the infliction of punishment.

5. In Bombay, the revenue and Police functions were, up to a recent period, as much combined in the same Officers as at Madras. In their Police capacity, these officers were authorized to investigate all complaints of criminal nature, and like the Tehsildars of Madras, exercised a penal jurisdiction in respect of certain petty

offences. A material alteration, however, has recently been made. An officer, styled Superintendent of Police, has been placed under the general orders of the Magistrate. While the Magistrate confines himself, for the most part, to judicial and administrative matters, the Superintendent has the control of the executive Police, and the command of the entire stipendiary body, with the initiative in the prevention and detection of crime. To aid the Superintendent in the supervision of the District Police, there is placed in each Police division, under his orders, an officer called joint Police Amildar, whose duties in regard to the preservation of the public peace, and the investigation into crimes of a serious nature, are much the same as those of the Bengal Darogah, but who has no power to punish even the most trivial offences.

6. It thus appears that, apart from the penal powers exercised by the Madras District Police, the Bengal Darogah, the Madras Tehsildar, and the Bombay joint Amildar, all act to a certain extent judicially, when engaged in investigating crimes of a serious nature. They examine the parties and the evidence, and they form a judgment on the case to the extent of deciding whether it is one for immediate arrest of the accused and transmission to the Magistrate or otherwise. They are further required to act for the prevention of crime, and to apprehend and bring to justice all persons charged with serious offences.

7. That the Police in India has lamentably failed in accomplishing the ends for which it was established, is a notorious fact; that it is all but useless for the prevention, and sadly inefficient for the detection of crime, is generally admitted. Unable to check crime, it is with rare exceptions unscrupulous as to its mode of wielding the authority with which it is armed for the functions which it fails to fulfil; and has a very general character for corruption and oppression. There is moreover a want of general organization; the force attached to each division is too much localized and isolated, and the notion of combination between any separate parts

of it, with the view of accomplishing the great objects of a body of Police, is seldom entertained.

8. The evils then with which, under the existing system, we have to contend, are to be found both in the character, and in the want of organization of the Police.

9. The chief cause of the inefficiency of the Police, is what operates in all countries where it is not adequately overlooked and controlled; accordingly it is found in India, that only in districts of less extent than usual, or favored by an extraordinary degree of zeal, activity and bodily strength on the part of the Magistrate, in the habit of making frequent tours, are the misconduct and corruption of the subordinate Police, systematically subjected to be checked by the higher intelligence and sterling honesty which happily distinguish the Covenanted servants of the Government of India.

10. And, yet, notwithstanding their possession of these high qualities, combined in frequent instances with zeal and energy of no common order, it is, we repeat, not too much to say that effectual supervision and control have seldom been exercised by the English officers in charge of the Police. This, in our opinion, is the cause of failure, and the reasons are briefly these: the enormous size of the districts committed to the hands of each officer in charge of the Police, and the conflicting and distracting claims of other important duties, which would have been in themselves sufficient to incapacitate those in whom they are imposed, for the effectual superintendence of a Police formed of such materials as we have described; even had these respective jurisdictions been of such an area as to render it physically possible that they should keep any considerable proportion of their subordinate agents of the system under their eyes, and hold them properly in hand. If proof were needed of the truth of this position, it might be given in the simple circumstance that

whenever it has been found necessary to grapple effectually with any particular crimes, such as Thuggee or Dacoity, an entirely separate instrumentality has been found to be indispensable for the purpose and generally successful, and yet, although specially selected for the peculiar duty, and acting in a comparatively limited sphere, the European officers employed to investigate these terrible crimes, and to apprehend the offenders, have not always been able to prevent their native subordinates from harrassing and preying upon the community.

11. In justice to the native officers of Police, mention of one other chief cause of failure must not be omitted. Although some partial improvement has taken place of late years, the majority of the principal officers of the Native Police are much under-paid, in relation, not merely to the importance of their functions, but even to the necessary expenses of their employment in the public service, and of their social position.

12. To remedy the evils of the existing system, the first step to be taken is, wherever the union at present exists, to separate the Police from the administration of the land revenue. No native officer should be trusted with double functions in this respect. We do not see the same objection to the combination of Magisterial and fiscal functions in the hands of our European officers, because we can better hope they will not abuse their powers, and because, by employing the Collector as the principal Magistrate of each district, we are able to obtain for the chief administration of the penal laws a more efficient, and especially a more experienced, class of officers than would otherwise be available. This is an important consideration, which ought never to be lost sight of. Nevertheless, it is still more important that the Officers who control the Police should be required to undertake frequent tours of their districts. And they must not be so burdened with other duties, such as the preparation of forms, returns, and statements, as to be deprived of the time sufficient for this essential purpose.

This supervision exercised by intelligent officers, who are accessible at all times, is the most certain and effectual check to very abuse of authority by subordinate servants of Police.

13. In the second place, the management of the Police of each district should be taken out of the hands of the Magistrate, (who would thus have more time for exercise of the double functions adverted to in the foregoing para.,) and be committed to an European officer, with no other duties, and responsible to a General Superintendent of Police for the whole Presidency.

14. Finally, we must endeavor to raise the status and to secure the honesty of the principal native officers of Police, by raising their salaries, so as at once to place the legitimate emoluments of their several appointments in a nearer relation with the importance of their functions, with the trust that must necessarily be reposed in them, and with the great value to the people of good and honest service on their parts, and at the same time to render the tenure of their respective situations an advantage not to be lightly risked, for the sake either of factitious and temporary credit with their superiors, or of illicit gain. In remodelling the Police, it might be advisable, as a general measure, to admit only those old officers of Police at the higher salaries, who have distinguished themselves by remarkable zeal and efficiency. We think that a large portion of those taken into the new Police should be men who have had nothing to do with the old system.

15. We are quite aware that the practical measures to which we have above adverted will not accomplish all that is requisite to a thorough reform of the Police in India. But we are persuaded that much practical improvement of the existing state of things may be effected by a better system of supervision and control, by an adequate scale of emoluments, by promptly rewarding the deserving, and by more certainly and severely punishing the corrupt and cruel.

16. These measures, however, must be accompanied by another of the utmost importance. One great object to be aimed at in the reform of the Police is to convince the people that Government is earnest in its endeavors to place the system upon such a footing as shall most effectually secure the ends for which it has been instituted. To ensure this, it will be necessary to make material changes in the constitution and organization of the Police. The existing force is so condemned by the authorities, and so hated by the people, that a mere attempt at reform, without such changes, would be a serious error, and would bring about its own failure, from the public and general conviction of its inadequacy to the great object in view. We observe with deep regret the long continuance of this evil under our Administration. We think it desirable that an enactment should be passed, vesting in the Magistrate or Superintendent of Police the power of summarily inflicting severe punishment on policemen in proved cases of delinquency, and that the local Government should be invariably apprised of instances of their intelligence and intrepidity, and be prompt and liberal in rewarding such conduct.

* * * * * *

24. The Police of each Presidency or Lieutenant-Governorship should be organized as far as possible upon a common plan for all India; it should consist of horse and foot; its larger divisions might be superintended by European subalterns, well acquainted with the language, and of not less than from six to eight years' service, and the whole should be superintendent by one head: its arms and equipments, clothing and internal discipline should be such as to preserve the character of a Police, and to render it serviceable and efficient, without approaching an absolutely Military organization.

* * * * *

26. We would further suggest, in connection with this subject, whether the influence, services, and means of information of the land-holders and European residents in the mofussil might not be made more available than at present for purposes of Police, especially for the prevention and detection of the more heinous crimes.

We are, &c.,

(Signed) W. H. SYKES,
" ROSS D. MANGLES,
and other Directors.

LONDON:
The 24th September 1856.

MINUTE BY THE RIGHT HONORABLE THE PRESIDENT.

Guindy, 1st January 1857.

I hail with great satisfaction this Despatch from the Honorable Court.

I have already expressed my opinions on the subject of the Police at such length, on more than one previous occasion, that it is hardly necessary for me now to recur to them.

There are, however, one or two points on which I would wish to record a few remarks.

It appears to be decided, that in the re-organization of the Police, the system to be adopted is, that there shall be in each Presidency :

1. A Chief Commissioner, in whom will be vested, in communication with the Chief Secretary to Government of course, the direction, discipline, and internal economy of the corps.

2. That there will be in each district an European Deputy Commissioner, with a sufficient number of subordinate officers, European, East Indians, or Natives, and of peons.

3. That the duties of the officers shall be solely those belonging properly to a detective and preventive Police, not possessing a definite judicial character.

In the Despatch some suggestions are thrown out respecting the formation of the corps, to which I will now allude.

In para. 11 reference is made to the inadequate pay hitherto given to the native officers. This is unquestionably true, but the statement is equally applicable to peons or Police Constables; and I would point out, that it is impossible to expect men to act with integrity in a position where so many temptations occur, unless they are well remunerated for their services.

In para. 12 it is remarked, "nevertheless it is still more important, that the officers who control the Police should be required to undertake frequent tours of their districts, and they must not be so burdened with other duties, such as the preparation of forms, returns, and statements, as to be deprived of the time sufficient for this essential purpose."

This is a very important remark, and which should be strictly attended to.

The tendency of this age is rather to exceed than otherwise in requisitions of returns, &c., so that the time of officers is rather occupied in completing such documents, than in performing the active duties of their office.

* * * * * *

The duties of the Police must be detective and preventive, but they may well be performed by the same corps; the detective portion of the force being organized for their special duties by their superior officers.

* * * * * *

I trust also, that, whilst some degree of similarity may be required in the clothing and equipments of these corps, yet at the same time considerable latitude will be allowed to the several Governments in their selection, in order that they may be able to adapt them to the habits of the people and the climate they inhabit.

Articles which may be admirably adapted for the service in the Punjab may not be suitable for Tinnevelly.

In para. 16 it is remarked, "we think it desirable that an enactment should be passed, vesting in the Magistrate or Superintendent of Police, the power of summarily inflicting severe punishment on Policemen in proved cases of delinquency."

I am fully of opinion, that misconduct in Policemen should be severely punished, but I think that they should have a right of appeal equally with other men, and I think, moreover, that in their arduous duties, they should also have the undoubted support of the law, and that the same Act, which gives the power of punishing them, should also give the power of similar punishment for those who wrongfully charge them with offences.

The records of this Government will show how readily cases are got up against the Police, without any real foundation, particularly at the present time, when it appears to be generally supposed amongst the people, that any charge of torture will be at once accepted as true.

In the commencement of the Despatch, the Honorable Court call attention to the powers exercised by the Darogahs of Bengal, the Amildars of Bombay, and the Tehsildars of Madras, in investigating crimes.

This subject is one which requires much consideration, and the course to be pursued must be materially modified by the decision of the arrangements proposed for the amalgamation of the Courts.

The line which has to be drawn, so as to secure energetic movements for the detection of crime, and at the same time not unduly to interfere with individual security and independence, is a very fine one, and if required to be laid down very minutely, will demand a very expensive establishment.

If crime is to be quickly detected, and there is no such certain prevention of depredation for the future, there must be rapidity of action, and the Police must not be obliged to march for miles before they can get a case investigated, in order to obtain committal.

I have previously stated the position in which the officers of Police would stand with respect to the Collectors of districts.

The Honorable Court made no mention of the Village Police in their Despatch, but it will be advisable, that the course to be adopted with regard to this national institution should be decided on.

(Signed) HARRIS.

MINUTE BY THE HON'BLE SIR H. C. MONTGOMERY, *Bart.*

Having already had an opportunity of stating my views on the subject of the reform of the Police, when considering the system of the local administration in the Revenue and Magisterial department of the Madras Presidency, and also, connected therewith, on the occasion of considering the project for the amalgamation of the highest Courts, I will refrain from repeating the opinions I recorded on the 2nd June 1855, and on the 17th November 1856. I will only observe that such extensive improvements as are contemplated cannot be carried into execution without considerable increase of expenditure, and unless the Honorable Court consent adequately to remunerate native establishments for the duties required from them, devotion to their service must not be expected. The failure of the system hitherto in force is in a great measure attributable to the small allowances of the inferior agents. The Village Police Officers, in many instances, are without any emolument, and yet from prescription some service is expected from them. But it is not only a more efficient Police that is wanted for the suppression of crime. The efforts of the most vigilant have hitherto been, and will continue to be, of little avail in securing the punishment in heinous crimes; of offenders, if the Courts continue to afford to criminals such facilities for evading conviction as they now do. The evidence demanded for conviction is mostly so unsuited to the habits of the people, that it is rarely forthcoming, and the consequence is, the release of those whom the Police well know to be the actual perpetrators of crime, emboldened by their success to repeat their lawless acts and to be the terror of all who aided in their apprehension.

(Signed) H. C. MONTGOMERY.

The 5th January 1857.

Judicial Department.

No. 116.

To the SECRETARY to the GOVERNMENT of INDIA,

Home Department.

Sir,

I am directed by the Right Honorable the Governor in Council to acknowledge the receipt of your letter of the 21st November last, No. 1537, transmitting copy of a Despatch from the Honorable the Court of Directors, No. 41 of 1856, dated 24th September, on the proposed general re-organization of the Police of India; and requesting that, after consideration of the Honorable Court's suggestion, the Right Honorable the Governor in Council would favor the Supreme Government with such observations on the subject as his Lordship in Council may feel disposed to offer.

2. The Madras Government, I am instructed to state, have received, with high gratification, this Despatch of the Honorable Court. On previous occasions, as noted in the margin, they have so fully expressed their opinion upon the very important question to which it relates, that they have now but few observations to make. They proceed, however, to submit some few remarks on some points that appear to deserve notice.

Letter to Government of India, 14th August 1855. No. 579, paras. 22, 32, and Minutes of Members of Government, dated respectively 4th May and 2nd June 1855.

Minutes of Members of Government on Honorable Court's Despatch, 23rd July 1856, forwarded to Government of India, on the 2nd October 1856.

Minutes on Reports of Commissioner on Judicial Establishments, Judicial Procedure, and Laws of India, forwarded to Government of India on 27th November 1856.

3. It appears to be decided that, in the re-organization of the Police, the system to be adopted is, that there shall be in each Presidency :—

1*st.* A Chief Commissioner, in whom will be vested, in communication, it is presumed, with the Chief Secretary to Government, the direction, discipline, and internal economy of the corps.

2nd. That there will be in each district an European Deputy Commissioner, with a sufficient number of subordinate officers, Europeans, East Indians, or Natives, and of peons.

3rd. That the duties of the officers are to be solely those belonging properly to a detective and preventive Police, not possessing a definite judicial character.

4. These arrangements will, it is believed, be found to be in complete accordance with the proposals which have, from time to time, been recommended by this Government, and especially in the papers above marginally noted.

5. In the Despatch now forwarded, certain suggestions are thrown out respecting the formation of the Police Corps to which it may be proper to allude.

6. In para. 11 reference is made to the inadequate remuneration hitherto bestowed on the "principal officers of the native Police," and the subject is recurred to in para. 14. The correctness of this statement cannot be questioned, but it is no less true as regards the inferior Police servants, peons and others; and it is clearly hopeless to expect that, in situations where they are so much exposed to temptations, these men will act with integrity unless duly compensated for their services.

7. In para. 12, after observing that, although the first step towards a reform of the existing system is to separate the native Police wholly from the administration of the land revenue, there may not be the same objection to the combination of fiscal and judicial functions in the hands of the European officer, the Court remark, "nevertheless, it is still more important that the Officers who control the Police should be required to undertake frequent tours of their districts, and they must not be so burdened with other duties, such as the preparation of forms, returns, and state-

ments, as to be deprived of the time sufficient for this essential purpose." This is an observation of great importance, and should be strictly attended to. The tendency of the present age is rather to exceed than otherwise in requisitions of returns, &c., so that the time of officers is rather occupied in completing such documents, than in performing the active duties of their office.

* * * * * *

14. In para. 24 instructions are given respecting the general character of the Police, and it is stated " its arms and equipments, clothing and internal discipline should be such as to preserve the character of a Police, and to render it serviceable and efficient without approaching Military organization."

15. It is trusted that the latter part of this remark may be fully appreciated. The utility of a Police Corps is apt to be impaired in attempts to imitate the Military.

16. Whilst, however, some degree of similarity may properly be required in the clothing and equipments of these Corps throughout India, it is at the same time trusted that some considerable latitude may be allowed to the several Governments in their selection, in order that they may be able to adapt them to the habits of the people and the climate they inhabit.

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(Signed) T. PYCROFT,
Chief Secretary.

FORT SAINT GEORGE,
The 24th January 1857.

Judicial Department.

No. 13 of 1857.

Our GOVERNOR in COUNCIL at FORT SAINT GEORGE.

Letter dated 9th June (No. 16) 1857, para. 15.

Re-organization of the Police.

1. You were informed by our Despatch No. 4, dated 28th January 1857, that the Government of India had been instructed to submit their report upon the several measures proposed by you, for the revision of the local administration of your Presidency, with as little delay as possible. As, however, that Government may find it difficult, under present circumstances, to give to your proposals the attention which they demand, and as that portion of them which refers to the improvement of the Police is of a pressing nature, we have deemed it expedient to communicate to you our views in regard to it, in anticipation of the report which has been called for.

2. The leading features of your plan for the improvement of the Police of the Madras Presidency, are—*First*, the appointment of a Chief Commissioner of Police for the whole Presidency, in whom will be vested, in communication with the Chief Secretary to Government, the direction, discipline, and internal economy of the Police force;

Secondly, the appointment in each District of an European Deputy Commissioner of Police, with a sufficient number of subordinate officers and peons;

Thirdly, the entire separation of the Police from all connection with the revenue branch of administration;

Fourthly, the separation of the judicial Duties of the Magistrate from those which relate to the prevention and detection of crime;

And *Fifthly*, the re-organization of the Village Police.

3. In our Despatch to your Government, No. 12, dated 23rd July 1856, we stated our reasons against the appointment of a Commissioner of Police for the whole Presidency, observing " that " an appointment in a great degree similar had recently been " abolished in the lower Provinces of Bengal; that such an appoint- " ment has long ceased to exist in the North West Provinces, and " that a frequent clashing of authority might be apprehended, if " the Superintendent of Police in each district were subordinate at " the same time to the Magistrate and also to the proposed " Commissioner." The plan, which you propose, of separating the judicial duties of the Magistrate from those relating to matters of Police (which does not prevail in Bengal) obviates our objections by drawing a clear line of demarcation between the functions of the Magistrate and those of the Chief Commissioner, and thus preventing any collision of authority between them.

4. You are probably aware, that the principle, which you so strongly advocate, of separating the judicial from the Police functions of the Magistrate, has been as strongly opposed by men of intelligence and experience, who consider that their views are more in accordance with oriental ideas, which recognize no division of functions, and regard the ruler, with as many deputies as may be needed, as exercising in his own person all the powers of the Government. The question has been fully and ably discussed on both sides. A satisfactory solution of it will best be attained by a practical application of the two systems in different localities, and as they will be tried to the best advantage under the supervision of those who respectively favor them, we authorize you, subject to such future modification as time and experience may suggest, to organize the Police of your presidency on the plan you have recommended in your several communications on the subject to the Government of India.

5. Your first step will, of course, be the appointment of a Chief Commissioner of Police upon such salary as may be deemed

proper, and sanctioned by the Government of India. Then will follow the appointment, in like manner, of the district Deputy Commissioners. The Chief Commissioner and the Deputies, acting under the orders of Government, will then re-organize the District Stipendiary Police in the manner proposed by you, and on the completion of the new arrangements in any district, the Police functions of the Magistrate will cease.

6. You will make the necessary application for such legislative measures as may be requisite for giving effect to any part of your scheme of reform, and as the change will involve considerable additional expense, the regulation of which must remain with the Governor General in Council, you will communicate, from time to time, with the Government of India, in regard to the gradual introduction of the system into the several districts of your Presidency.

7. We concur with you as to the expediency of putting the Village Police under the control of the District Deputy Commissioner of Police. At the same time we are decidedly of opinion that any measures which may be adopted for the improvement of this important institution, respect should be had to the leading characteristics of the system which has been found to prevail among the village communities, and may be supposed to be most in accordance with the feelings and habits of the people. The decay of the Village Police system in many of our older possessions is much to be regretted, and we shall gladly give our support to any measures for re-establishing it upon such a basis as shall render it efficient for the purposes of its original institution. The appointment, duties, and allowances of the village watchman, the authority to which he is to be immediately subordinate, the position which he is to occupy in relation to the headman of the village, and the inferior officers of Police, and the sources from which the means of his remuneration (whether from lands held rent-free as before, or a system of town duties or a local assessment) are to be

drawn, are subjects which will call for your early and attentive consideration. We deem it sufficient, for the present, to express our approval, generally, of your proposal to make the Village Police a part of the force under the superintendence of the Chief Commissioner and his district deputies; leaving it to you to carry out, in communication with the Supreme Government, to whom a copy of this Despatch will be sent, the details of such measures as may be necessary for the fuller development of this and other portions of the plan of Police reform which you have recommended.

We are your loving friends,

(Signed) ROSS D. MANGLES,

" F. CURRIE,

and other Directors.

LONDON:
The 30th September 1857.

Judicial Department.

No. 1585.

FROM

T. PYCROFT, ESQ.,

Chief Secretary to the Government of Fort Saint George,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA.

Dated the 5th December 1857.

SIR,

I AM directed by the Right Honorable the Governor in Council to inform you that this Government have recently received the Despatch from the Honorable the Court of Directors, dated 30th September 1857, Judicial Department, No. 13, on the re-organization of the Police in the Madras Presidency.

2. In this Despatch the Honorable Court, after re-capitulating the leading features in the plan which had been submitted to them by this Government, for the improvement of the Police of the Presidency, and remarking that the measure proposed by the Government, of separating the judicial duties of the Magistrate from those relating to matters of Police, had obviated the objections before expressed by the Court to the appointment of a Chief Commissioner of Police, authorized this Government, " subject to " such future modification, as time and experience may suggest, to " organize the Police of the Presidency on the plan recommended " in the several communications on the subject to the Government " of India."

3. " Your first step," the Honorable Court continue, " will be, " of course, the appointment of a Chief Commissioner of Police, " upon such salary as may be deemed proper, and sanctioned by the " Government of India. Then will follow the appointment, in like " manner, of the district Deputy Commissioner. The Chief Com- " missioner and the Deputies, acting under the orders of Government, " will then re-organize the District Stipendiary Police in the manner " proposed by you; and on the completion of the new arrangements " in any district, the Police functions of the Magistrate will cease."

4. Lastly, the Court express their approval generally of this Government's proposals " to make the Village Police a part of the " force under the superintendence of the Chief Commissioner and " his district Deputies; leaving it to you, to carry out, in communi- " cation with the Supreme Government, to whom a copy of this " Despatch will be sent, the details of such measures as may be " necessary for the fuller development of this and other portions of " the plan of Police reform which you have recommended."

5. The arrangements necessary for the reform of the Police of this Presidency, under the authority thus granted by the Honorable Court will, I am instructed to state, engage the immediate and

close attention of this Government. It is, however, evident that as remarked by the Court, the very first step must be the appointment of a Chief Commissioner and his district Deputies, and it is the object of the present letter to solicit the sanction of the Supreme Government to the salaries to be annexed to those offices.

6. The pay of the Chief Commissioner the Government would fix at the sum already named in my letter to the Government of India, 14th August 1855, para. 32, *viz.* 2,500 Rupees per mensem or 30,000 Rupees per annum. The Commissioner, for the revision of Civil salaries in his review of the Police of Madras—copy of which accompanies—states that he has no objection to offer to the amount, which is that allowed to the Commissioner of Police in Bombay, and it is clear that the remuneration should be such as to enable Government to command energy and ability of the highest order. The establishment of the Commissioner, the Government would, with Mr. Ricketts, fix, for the present, at a sum not exceeding Rupees 1,000 per mensem, to be subject to eventual revision on the extent of its labors being more fully developed by experience.

7. The Commissioner would, of course, be useless without efficient local agents. The Government would propose one Superintendent on a salary of Rupees 700 a month, and an Assistant on Rupees 300, for each of the twenty Districts in the Presidency.* They would desire sanction at once for this number with discretionary authority to make the appointments as opportunity should offer.

8. On these arrangements being sanctioned by the Supreme Government, the work of forming and re-organizing the Police

* This appointment of Assistant did not enter into the original scheme, as laid before the Government of India; but, looking to the circumstances of the times and the change of feeling evoked both on the part of the rulers and ruled, the Government think it decidedly advisable. They would, however, desire discretionary authority to appoint to a district one Assistant of a superior class, at 300 Rupees, or two of a lower class, at 150 Rupees. They would only be appointed on clear proof of the necessity for them.

establishment will at once be entered on and proceed gradually, progress being reported to the Government of India, and their approval obtained as circumstances demand.

I have the honor to be,

SIR,

Your most obedient servant,

(Signed) T. PYCROFT,

Chief Secretary.

FORT SAINT GEORGE:
The 5th December 1857.

No. 5347.

Extract from the Proceedings of the Right Honorable the Governor General of India in Council, in the Financial Department, under date the 22nd December 1857.

Read an Extract from the Proceedings of this Government, in the Home Department, No. 2649, dated the 18th instant, forwarding for further consideration and orders, with remarks, a letter No. 1585, dated the 5th idem, from the Chief Secretary to the Government of Fort St. George, and its enclosures, soliciting sanction to the salaries to be attached to the offices of the Commissioner of Police, Superintendents, and Assistants to the Superintendents of Police, with the charge for establishment for the Chief Commissioner, aggregating Rupees 23,500 per mensem.

RESOLUTION.—The Right Honorable the Governor-General in Council is pleased to sanction the salaries and the establishment proposed for the Madras Police, at an aggregate cost of 23,500 Rupees per month, as shown in the margin, and to

	Per Mensem.
1 Chief Commissioner of Police	Rs. 2,500
Establishment	„ 1,000
20 Superintendents of Police, at Rs. 700 each	„ 14,000
20 Assistants, at Rs. 300 each	„ 6,000
Rupees ..	23,500

allow discretionary authority to the Madras Government to make the appoinments of the Commissioner, Superintendents, and Assistants to the Superintendents of the Police as opportunity offers, on the understanding that the Madras Government will, at their discretion, be at liberty to appoint to a district one Assistant of a superior class at 300 Rupees per month, or two of a lower class, at Rupees 150 per month, as requested by them.

ORDER.—Ordered, that a copy of the foregoing Resolution be sent to the Home Department for communication to the Government of Fort St George.

(A True Extract,)

(Signed) C. HUGH LUSHINGTON,
Secretary to the Govt. of India.

MINUTE BY THE RIGHT HONORABLE THE PRESIDENT.

The Chief Secretary has circulated the Correspondence, Proceedings of Government, and the Minutes of the Members of Council on the subject of the re-organization of the Police of this Presidency, which was first proposed by me in 1854.

2. In an accompanying memo., the Chief Secretary mentions that there are three points " on which it is desirable, that a clear " understanding should be come to," those are :—

1st. The authority to have charge of, and control over, the Village Police.

2nd. The relation in which the Commissioner of Police and the local Superintendents are to stand to the Magistrate of the several districts.

3rd. Into how many, and what districts, the system shall first be introduced, if it is not at once to be carried out generally.

3. It is, perhaps, impossible to give any very distinct and positive orders upon these three points, until opportunity shall have been gained for discussing the whole subject with the Commissioner ; after he shall have gathered information from the several districts of the Presidency.

4. But I have no difficulty in stating my views generally, which will be, in fact, little more than what I have already written previously.

5. I am of opinion, as mentioned in my Minute of September 11th, 1856, that the Village Police must be combined with the General Police, in order to render the force complete, and fully efficient, and, therefore, in considering its general arrangements and organization, this should always be kept in view. At the same time I am aware, that many impediments may be found to adopting this course immediately. The prejudices and habits of the people, the method of remunerating their village officers, and other circumstances, may have a tendency to raise difficulties, which will require both time and tact to overcome.

6. But this grand principle should never be lost sight of, that for the prevention of crime, and for the detection and punishment of criminals, as well as for the other important service of a Police force, the affording information to Government, there must be unity of action and identity of system, throughout the body to which these duties are deputed. Otherwise there can be no real efficiency, no correct movement, no economy of, or correct direction in, exertion.

7. And the adoption of this principle helps to answer the second point.

8. The Police of the whole Presidency should be considered as one force, dependent for its orders, its rules, and regulations, distribution, and all that concerns its internal discipline and economy, on the Commissioner.

9. But inasmuch as the Chief Magistrate of each district is, and will be, responsible for the peace and order of his province, it is not only advisable, but necessary, that he should have a voice in the distribution of such portion of the force, as shall be attached to his district, and should be kept acquainted with all the information gained by the Police, and receive from the force all the assistance required. In fact, for all purposes of usefulness as regards his particular functions, the Deputy Commissioner will act towards him as his subordinate officer.

* * * * * *

(Signed) HARRIS.

June 3rd, 1858.

MINUTE BY THE HONORABLE W. ELLIOT, Esq.

In the Minute, which I recorded on the 27th September 1856, I recorded my views on the points referred for orders in the Chief Secretary's Memo.

2. The distinguishing feature of the plan proposed by the Right Honorable the President appears to me to be the organization of a system of Police as a separate department, complete in itself.

* * * * * *

4. I concurred in the principle laid down by Lord Harris, as I understood it, for the reasons given in my Minute above referred

to, and I stated, that, to give it full effect, it would be necessary to place that portion of the village establishment vested with Police functions, exclusively under the Superintendent of Police.

5. This portion should consist of a Police Village Headman, who should be distinct from the Revenue Monegar or Headman; of a Curnum, likewise distinct from the Revenue Village Account; of the whole of the Taliaris, or Village Watchers, and of one or more of the Vutter or Toties.

6. Without such exclusive control, I consider the formation of a Preventive Police to be impracticable.

7. The relation which should subsist between the District Superintendent, and the Collector and Magistrate, is a more difficult matter to determine.

8. In Bombay the Superintendent is subordinate to the Magistrate. But there they have no Chief Commissioner, and the creation of such an office, with full control over the whole Police administration, entirely alters the position, and subordination of the District Superintendents.

9. I do not see how these local Officers can be placed under the District Magistrate in any respect, when they are directly subordinate to a Chief Commissioner, and if they have separate village establishments, there is no reason why they should be.

10. The Chief Commissioner, of course, will only be subordinate to the Government.

11. I think there can be no question that the introduction of the new system must be gradual.

* * * * * *

(Signed) WALTER ELLIOT.

The 4th June 1858.

MINUTE BY THE HONORABLE W. A. MOREHEAD, Esq.

To render the new plan effective, the separation must be complete; the Magistrates being distinct from the Police, the Village Police therefore should be under the Commissioner of Police.

2. The Magistrate should have no control over the Police. At first, the Magistrate will necessarily be the person most conversant with the Police of the district; but in a very short time, after the introduction of the new Police, the Commissioner and his subordinates will, if they are efficient, know more in respect to these matters than has as yet been the case with the most active Magistrate.

3. The Magistrates will use the Police, issuing their processes through them. In fact, the Police will act in regard to the Magistrates exactly as is now done by the Town Police of Madras.

4. The mode of introducing the new system must be greatly entrusted to the Commissioner. I would, however, urge that the scheme be carried out generally, with as little delay as possible.

5. It seems to me very desirable, if it were possible, which I fear it is not, to allow no powers of a Magisterial nature to the Tehsildars. The present race of men will, I think, if any pretext is left them, still use improperly such powers. The difficulty, however, consists in finding substitutes for them. This point the Right Honorable the President has noticed, and suggested an increase of Deputy Magistrates. This would cost a large sum of money, and I am inclined to think, that, for the same cost, distinct Native Magistrates, who would be more efficient, might be obtained.

6. All heinous offences, I presume, the Police would forward direct to the Courts, without the intervention of the Magistrates, whose duties would be confined to the disposal of petty cases of

theft, abuse, &c., &c., and which cases they would take up on complaints preferred to them, or on their being referred to them by the Police.

7. The requisite Act or Acts must be applied for. These had better be prepared and sent to Calcutta.

(Signed) W. MOREHEAD.

The 4th June 1858.

When the Tehsildars are relieved from all Police duties, being already relieved from all Maramut works; one man can look after two talooks, or more; and if this is found to be the case, good pay can be allowed him, at no increased charge to the State.

(Signed) W. M.

Judicial Department.

No. 60.

FROM

W. ROBINSON, ESQ.,

Chief Commissioner of Police,

To

T. PYCROFT, ESQ.,

Chief Secretary to Government,

Fort St. George.

SIR,

I have the honor to forward for submission to the Right Honorable the Governor in Council, the accompanying papers* regarding the re-organization of the Police system of this Presidency, in accordance with the views expressed by the Government, and sanctioned by the late Honorable Court of Directors, in their letter, bearing date 9th June 1857.

* Precis for re-organization of the Police.
Draft of Act for giving effect to the Police.

2. The question whether the Police department in each district shall be a distinct one or not, having been settled by the highest authority, I have abstained from all remark on this material point, as well as on the present working and condition of the Stipendiary Police throughout the Presidency: and I have confined myself to the consideration of future management only. A few remarks on the past and present state of the Village Police appeared more in place.

3. The papers I submit herewith are a Sketch of the Scheme, which I would venture to propose for carrying out the object in view, and the Draft of an Act for giving effect to the general change. In the former I have entered into the subject of Police organization at some length, and in a considerable detail, in order that the matter may come under the consideration of Government in all its bearings; and that I may receive such orders as will enable me to frame rules for the general administration of the Constabulary. It may be convenient if I here briefly note its leading features.

4. As determined by authority, the Police becomes a distinct department under the direct supervision of Government: its members, of all grades, being divested of judicial functions, and being under the exclusive control and management of their own officers.

5. The administrative and judicial functions of the Magistracy remain as at present throughout all grades, from the Village Moonsiff up to the Magistrate, each so far as his legal jurisdiction and powers may extend. The Magistrate of each district will be kept fully and intimately acquainted with the distribution and administration of the Police. He will make requisition for their services, if the arrangements, which he may think are required for the preservation of the peace and prevention of crime, have not been anticipated by its own officers: and the Police will execute all his lawful orders. But he will not interfere with the internal economy and arrangements of the District Corps, for which its own officers will be individually responsible.

6. The administrative and judicial functions of the Magistrate and his immediate subordinates will give the head of the district a general insight into the character and efficiency of the Police; and the new department will afford him an additional and independent channel of information in regard to the state of the district over which he presides. It will still be the part of the Magistrate to watch the result of the Police administration of this district, and to communicate, whenever necessary, with the Chief Commissioner and Government.

7. The proposed constitution of the Police itself is as follows:—

I. *Village Police,* under the control of the District Superintendent, consisting of the *village watch;* constituted, as at present, of the official village watchers, but strengthened, improved, adequately remunerated, and properly controlled. *A Village Police Inspector;* to exercise the executive Police functions of the present village Moonsiff or Potail; to superintend the Village Watch, and to form the link between the Village Police and community and the general Constabulary.

II. *A General Stipendiary Constabulary;* consisting of "a sufficient number of subordinate officers and peons," as follows:—

Constables,
Serjeants,
Inspectors,

for the regular patrol and observation of the country, preservation of peace, prevention, detection, and prosecution of crime, the execution of criminal processes; and generally to conduct all executive Police duties; and in their respective grades to supervise and direct the internal economy of the force.

III. *Superintendents* in charge of the Police of their respective districts, and

IV. *A Chief Commissioner*, "in whom will be vested, in "communication with the Chief Secretary to Go-"vernment, the direction, discipline, and internal "economy of the Police force."

8. The Village Police will be thoroughly and strictly localized as at present, and will execute the public duties of village peace officers and policemen, and will be in daily and systematic communication with each other, and with the General Police.

9. The Stipendiary Constabulary will be located in Police parties, suitably officered* and appointed for the transaction of the General Police duty and patrol of the country; and for support and rapid communication of intelligence. The local division, sections and beats will be so arranged, that every village and thoroughfare shall be daily and regularly patrolled and observed. The Inspectors will not only supervise and control the working of the Village and General Police, but will form the detective, and, so far as falls within the proper province of the Police, the prosecuting agency of each district.

* Head Serjeant.
Deputy ditto.
Clerk.

10. Measures for the proper recruiting, training, and education of the different grades of the Police, occupy a very important place in the scheme: and a certain, but for so important an object, very moderate expenditure on preparatory classes is indispensable.

11. Some parties of Mounted Police are required in particular localities; and all Inspectors and Serjeants in command of parties of Police will be mounted. A suitable reserve must be maintained with the Police Head Quarters of each district.

12. Every Police private and petty officer must be instructed and trained in the effective use of sword and carbine; but the men will never carry arms, except as occasion requires. The truncheon will be their ordinary badge of office. The allotment of the arms made to the Police will bear a moderate proportion to the strength of the Corps; and the ammunition issued to the men will be very limited. The reserve ammunition being under the charge of the Superintendent at head quarters.

13. The Constabulary thus re-organized should undertake every executive duty in each district, jail and general treasury guards, escorts of revenue and treasure, and it should execute all those duties not properly Military, and all minor detachment duty, which now press so heavily and injuriously on the numbers and discipline of the Native Army.

14. The Police will exercise no Judicial or Magisterial functions whatever. It will take the initiative only for the preservation of peace and prevention of crime, and in case of serious offence: in all other matters, it will act under a Magistrate's warrant alone.

15. I consider the enactment of a clear and stringent Police Law not only a desirable, but an indispensable measure in regard to the orderly management of the Police and guidance of the Magistracy.

* * * * * *

(Signed) W. ROBINSON,
Chief Commissioner of Police.

OFFICE OF THE CHIEF COMMISSIONER OF POLICE, MADRAS,
The 3rd December 1858.

Judicial Department.

No. 9.

Extract from the Minutes of Consultation, dated 4th January 1859.

Read the following letter from the Chief Commissioner of Police.

(Here enter 3rd December 1858, No. 60.)

With the above letter, the Chief Commissioner of Police submits certain papers connected with the re-organization of the Police system of the Madras Presidency.

2. These papers are a memo. exhibiting a sketch of the scheme proposed by him for carrying out the object in view, and the Draft of an Act for giving effect to the changes that will have to be introduced.

3. The leading features of the proposed scheme are given succinctly in Mr. Robinson's letter. They are :—

1st.—The Police becomes a distinct Department under the direct supervision of Government : its members of all grades being divested of judicial functions, and being under the exclusive control and management of their own officers.

2nd.—The administrative and judicial functions of the Magistracy remain as at present, throughout all grades, from the Village Moonsiff up to the Magistrate ; each so far as his legal jurisdiction and powers may extend. The Magistrate of each District will be kept fully and intimately acquainted with the distribution and administration of the Police. He will make requisition for their services, if the arrangements which he may think are required for the preservation of the peace and prevention of crime have not been anticipated by

its own officers: and the Police will execute all his lawful orders. But he will not interfere with the internal economy and arrangements of the District Corps, for which its own officers will be individually responsible.

3rd.—It will still be the part of the Magistrate to watch the result of the Police administration of his district, and to communicate, whenever necessary, with the Chief Commissioner and Government.

4. The following will be the constitution of the Police:—

I.—*Village Police*, under the control of the District Superintendent, consisting of the *village watch*; constituted as at present of the official village watchers, but strengthened, improved, adequately remunerated, and properly controlled. *A Village Police Inspector*; to exercise the executive Police functions of the present village Moonsiff or Potail; to superintend the Village Watch, and to form the link between the Village Police and community and the general Constabulary.

II.—*A General Stipendiary Constabulary*, consisting of a sufficient number of subordinate officers and peons, as follows:—

Constables,
Serjeants,
Inspectors.

III.—*Superintendents* in charge of the Police of the respective districts.

IV.—*A Chief Commissioner*, in whom will be vested, in communication with the Chief Secretary to Government, the direction, discipline, and internal economy of the Police force.

The duties of the Police, Village, and Stipendiary, are stated in paras. 8 and 9 of Mr. Robinson's letter.

5. Measures will be taken for the recruiting and training of the different grades of Police, for which a moderate expenditure, on preparatory classes, will be indispensable.

6. Parties of Mounted Police will be maintained in certain localities.

7. All Inspectors and Serjeants will be mounted.

8. A suitable reserve will be kept with the Police head quarters of each district.

9. The Stipendiary Police will be duly instructed in the use of their weapons, sword and carbine, but will not carry arms, beyond a truncheon, their ordinary badge of office, except as occasion requires.

10. This Constabulary will undertake every executive duty in each district, jail, and general treasury guards, escorts of revenue and treasure, &c.

11. The Police will exercise no Judicial or Magisterial function whatever. It will take the initiative only for the preservation of peace and prevention of crime, and in case of serious offence: in all other matters it will act under a Magistrate's warrant alone.

12. The Commissioner considers that the system should be introduced under minute and close supervision and constant personal attention in a few districts at a time, and he proposes to take up the neighboring districts of Chingleput, North and South Arcot at once.

13. The Right Honorable the Governor in Council approves generally the scheme for the re-organization of the Madras Mofussil Police as above given, and he quite concurs with the Commissioner as to the propriety of carrying out the change cautiously and gradually. Mr. Robinson will consequently proceed at once

to introduce the new system into the Provinces of the two Arcots and Chingleput; and he is authorized to entertain such establishment of Inspectors, Serjeants, and Privates, on his proposed rates of salary, and to adopt such of the other arrangements specified in his memorandum as he may find necessary for the purpose. He will report his proceedings and the expenses that he may incur, from time to time, for the information of Government.

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15. The Honorable the Court of Directors having ordered that the Police be entirely separated from all connection with the revenue branch of the administration, and that the Village, no less than the Stipendiary Police, be under the superintendence of the Chief Commissioner and his District Deputies. One of the first steps to be taken in the introduction of the new system into the three districts to which it is for the present to be confined, will be, to determine what proportion of the existing establishment, district and village, is to be assigned or transferred to the Police Department, and what will have to be retained for purely Revenue and Magisterial duties. At present, with few exceptions, all servants, both Talook and Village, perform both Fiscal and Police service, and, although as a matter of account, a certain proportion of their salaries is debited to Revenue and Police respectively, the apportionment is quite arbitrary. The Commissioner has already been in communication on this subject with the Collectors of Chingleput, North and South Arcot, and the memoranda, which he has submitted, include returns from these districts. It is, however, important that these returns should be carefully examined, and the establishment that can be placed at the disposal of the Chief Commissioner be accurately ascertained. That this important branch of the subject may be fully considered, the Governor in Council resolves to request that the Board of Revenue will depute one of their body, Mr. R. D. Parker, for this peculiar duty. Mr. Parker will put himself in communication with the Collectors of the three districts, and with

Despatch, 9th June 1857.

the Chief Commissioner, making such reference as he may find necessary to the Collective Board, and will report, at as early a period as is practicable, what should be the establishment retained for revenue, and what that devoted wholly to Police in each Province. When the division has been made, the salaries and allowances of the servant made over to the Commissioner will be regarded as assets available towards the general expense of the new system, and it will be for him to make such arrangements with them as may be needed for a fit carrying out of the whole measure. Similarly it will be for the Board of Revenue collectively, in correspondence with the Collectors of the three districts, to determine what arrangements shall be made with the portions that are to be retained by those officers, that adequate provision be made for their revenue duties.

* * * * * *

17. The Government think with the Commissioner, that the enactment of a clear Police Law is highly necessary, but it appears to them that the Draft of such an Act should be prepared by a professional man. The Draft already submitted will be returned to Mr. Robinson, and, as both the Law Officers of Government and the Government Pleader in the Sudder Adawlut are at present fully occupied, he will put it in the hands of Mr. Mayne, the Professor of Law in the Madras University, and Barrister of Her Majesty's Supreme Court. On a new or a revised Draft being completed by Mr. Mayne, the Commissioner will submit it to Government, and if it be approved, he will be instructed to proceed with it to Calcutta, and then communicate personally with Mr. Forbes, the Member for Madras of the Legislative Council, in view to its being passed into a Law at an early date.

(Signed) T. PYCROFT,

Chief Secretary.

MEMORANDUM.

That the Police of India should be separated into two Branches; one having a Military, the other a Civil organization.

My own experience of *Shibandi* Corps—bodies of men of purely Military formation and organization, and managed on Military principles—is, that they are *not Police* at all; I doubt if they are good Soldiers. These quasi-Irregulars are merely a kind of deputy Native Army, loosely disciplined, without the means of co-operation amongst themselves, or with the ordinary Police; without status or *prestige* in the country, having the defects of the Native Army, without one of its safe-guards or guarantees, and without one single recommendation as a Police.

As regards the control of the Magistrate over *Shibandi* Corps, this with us is practically *nil*. I have been Magistrate of Malabar, where I had one of the most efficient of these Corps nominally under me; but practically it was a Military body, over which I had not the slightest control; and never did or could *work*. And so it ever will be when attempts are made to place bodies of men, Military to all intents and purposes, *en rapport* with *Civil* functionaries.

Shibandi Corps are exceedingly expensive. In Madras these insignificant Military Corps do not generally exceed (Kurnaul Horse excepted) 100 to 150 men. They have two European Officers; and many of the expensive adjuncts of Military forces. Probably their cost will be found to fall little short, on the whole, of that of Military bodies in Cantonment. And for this money we have bodies of men who are bad soldiers, and have none of the advantages of Constabulary. By amalgamation in Madras a large saving is effected. Nearly three lakhs of Rupees are now spent on less than 1,000 men (Kurnaul Horse inclusive). The same money will pay more than double the number of an organized Constabulary. For the organization of the Civil Police and ordinary Police purposes European Officers are required in each district;

and by making the Shibandi Officers, where efficient, the Superintendents of Police in the district in which such Corps had been present, we have spared the Native Army from a further drain on account of officers; and have saved a considerable sum of the amount sanctioned for European superintendence of the new Police. If we maintain the *Shibandi* Corps, a *double* set of Officers will be required in those Districts.

I am satisfied that the maintenance of such bodies is not required for any of the objects alluded to in the Despatch. A real Police force, well paid, organized and managed according to the broad principles of British and Irish Constabulary administration, and well superintended by selected European Officers, will be found eminently useful for every civil purpose, and *better suited*, from the fact that Police combine the character of *watchmen and detectives* with that of *mere guards*, to undertake all the duties of jail and treasure guards and escort and the like. We can drill, instruct, and arm any part of an organized Constabulary Force up to any required degree of skill and precision that can possibly be required for the performance of such duty; a Policeman's courage is always on its trial; and selected reserve men, the pick of a large body, led by an European Superintendent, or by a good Inspector, may, I am satisfied, be made as efficient as Native Troops of the line; and still lose none of the character as a Civil Police. It is obvious that men temporarily worked up to a state of high efficiency as Soldiers, if I must use the term, for special duty, can be allowed to relapse into a less Military, and, therefore, less dangerous condition, so soon as the emergency is over; and be all the better for the discipline they have undergone. The Madras Constabulary dealt most effectively with a grave outbreak in the jail at Nellore, in May last. The Constabulary are in charge of nearly 100 Treasuries, and are escorting every remittance in the Provinces. They do it well. Why change it? But the most important result is, that the number of Military Detachments of less than a regiment employed on duties not purely of Military

character, and for purely Military occupation, have fallen from about 100 to about 30 in the Madras Presidency within six months—in a great measure the result of the operation of the new Police. We *must* now form a well-organized Constabulary, and when we have such bodies, any distinction in the formation and organization, with reference to the duties to be performed, will be wholly unnecessary. The effective execution of the duties enumerated *will be found* a matter of interior arrangement, that must be left to the District Police Officers. The District Officers will generally be Military men; and we may safely trust to them to have their men well up in what is frequently termed Military efficiency.

From Military Finance Commission, 28th August 1860.

The Native Army in Madras has been already reduced, in consequence, in a great measure, of the establishment of one efficient system of Constabulary, as I hear, to the extent of half a million sterling. The same might, perhaps, be done over all India, with every certainty of a similar saving, and without retaining on the Civil list one of those expensive organizations, which are neither Soldiers nor Police.

The Village Police.

The Village Watch in Madras originally formed the lowest link in the chain of the *Káveli* system of Police, under which the villages compounded with the heads of the robber races, *Men Kavelgars* and *Palegars*, and with the body of the thievish races of their own village, for the security of their crops and property. The *Kavelgars*, Head and Village, were responsible to make good losses by theft, and for detection of crime, of which they were really the only perpetrators. The Village Watch was appointed and in part maintained by the Head Kavelgars, and were responsible to them and the villagers. Both classes levied heavy *black mail* for their forbearance from crime. The system was the only effective protection that could be secured under a weak native government, and in a semi-civilized society, and worked, no doubt, well. But the power of the *Head*

Kavelgars was found incompatible with good government, and this grade of the *Káveli* system was suppressed in A. D. 1801-04. As regards the Village Watch, all *responsibility* for losses by theft, and the power of summary corporal punishment and torture to which resort was usually had, to extract information from the village watchers, were put an end to by Law. Thus the *officers* of the institution were put down, and the very essence of the whole system, one of well defined pecuniary responsibility, not personal diligence, was extracted from it. The institution at once lost its vitality, and never will recover it. But it received a further blow; for in 1816 the Village Watchman was put under the *revenue* Potail, or native collector, and village *Manyagers*, or Village elders, and from that time he became a mere servant of the revenue officials or private drudge of these ignorant, selfish farmers. He has done little or no Police duty since. The whole institution has fallen into utter decay in many districts; in all, abuses which destroy its efficiency, have remained unremedied for half a century. To remedy this, a Police Potail, or Village Head, who is always one of the Ryots, has been appointed as Village Inspector; and through him the village watch is required to do what, under the ancient constitution of the country, was required of them. The village watchership was made a hereditary office, and therefore placed, to all intents and purposes, beyond the control, both of the village community and Magistrate, so he now is in no way more removed from the general influence of the Village Elders than he ever has been. The body of Village elders is no more fitted to *work* systematically an establishment of even local Police than a parish vestry is in England; and so we now hold one man responsible for seeing that the *work* is done; he becomes the channel of communication with the people. The village *Potail*, to whom the village watcher was subjected in 1816, is also a *revenue* officer, with small judicial powers; and the absolute severance of Police and Revenue and Judicial functionaries, ordered by the Home Government, has necessitated the appointment of the village inspector to *work* the watcher body.

W. ROBINSON.

MEMORANDUM OF CORRESPONDENCE RELATING TO THE ESTABLISHMENT OF THE MADRAS POLICE.

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1. The inefficiency of the Police throughout the Madras Presidency, as a detective and preventive Force, has, for more than half a century, been the subject of discussion ; but no effectual measure was taken to place it on a proper footing, till the passing of Act XXIV. of 1859.

2. The returns of reported crime (much has ever remained *unreported)* had continued a disgrace to the Government of the country. In 1854 there were upwards of 1,700 gang robberies alone. And under the head of *reported* Gang and Highway robbery, the average number of crimes during the five years last passed was nearly 2,000. The occurrence of such crimes is impossible where a real Police exist. The loss of property has been very great, but of this, 2 to 5 *per cent.* only is ever recovered : while detective success has been nearly *nil.* Of some 30,000 to 50,000 persons who annually defy the law in the violent form of Gang and Highway robbery alone, scarcely 2 per cent. have ever been brought to justice.

3. In 1854 the Court of Directors remarked that the system of superintendence of the local administration in Madras stood in need of revision and improvement ; and suggested, with regard to Police, that it might be advisable to place the Police Establishment under the immediate direction and control of a District Superintendent of Police, as in Bombay : and finally the Hon'ble Court called for a report on the subject.

From Hon'ble Court of Directors, 23rd August 1854, No. 8.

4. The Court of *Foujdarry Adawlut,* under whose authority the Police in Madras then was, reported, with reference to the above Despatch of the Hon'ble Court, in the following terms :—

"4. The evil, which in this Presidency, as in Bombay, and the "Judges believe all over India, is most felt in "the administration of criminal justice, and

22nd November 1854, No. 108.

"which most loudly calls for a remedy, is the want of an efficient pre-"ventive and detective Police.

"5. The materials of a Police force, no doubt, exist, which, if suf-"ficiently strengthened and placed under adequate supervision, might "be rendered all that is required; but its present organization is ex-"tremely defective, and the degree of supervision which the Magistrates "are able to exercise over its proceedings is by no means adequate. In "this Presidency, as in Bombay, the time of the Magistrates is princi-"pally devoted to their revenue duties; and those who take the most "active interest in the superintendence of the Police are debarred by "the other calls upon their attention from devoting to it that unremit-"ting care and supervision which are essential to the prevention and "detection of crime. To remedy this state of things, the Judges are of "opinion that, if it be deemed expedient to separate the offices of Ma-"gistrate and Collector, the system which has been brought into oper-"ation in Bombay, of placing the Police in each District under the im-"mediate direction and control of a Superintendent of Police, subordi-"nate to the Magistrate, might be advantageously adopted here. The "separation of the judicial duties of the Magistrate from those which "relate to the prevention and detection of crime, appears to the Judges "an excellent arrangement. It moreover is most desirable to have an "officer who may be available, on an emergency, to trace out serious "crime on the scene of its occurrence, and in whose proceedings full "confidence may be placed. This duty at present devolves on Native "functionaries, whose proceedings are ordinarily very inaffective, and "command no confidence, so that the Judicial authorities have constant-"ly to be on their guard against the machinations of the Police, by "whom confessions are extorted and evidence concocted, to save them-"selves from the stigma and consequences of the failure in the detection "of crime. In most of the districts in this Presidency two Superin-"tendents of Police would be required."

To Hon'ble Court of Directors, No. 32 of 1855, Judicial Department, dated 20th October 1855.

5. In submitting their proposals, the Government of Madras remarked that the state of the Police in the districts under this Presidency "must be "admitted to be most unsatisfactory." And

while endorsing the views of the *Foujdarry Adawlut*, added, "nor "can it be denied that the inability of the present Police Establishment, to cope with the prevailing amount of crime, and to "insure protection to person and property, has latterly become "more than ever marked and notorious."

To the Hon'ble the Court of Directors, No. 32 of 1855, dated 20th October 1855.

6. Their proposals for the re-organization of the Police were as follows :—

"24. For the re-organization of the Stipendiary Police of this "Presidency, and putting it upon an efficient footing, two measures "seemed to us to be indispensable ; *first*, to separate Police from revenue functions, and to confine the District Police absolutely to Police "duties ; and, *secondly*, to place the force thus set apart under close "and undivided European superintendence. The first of these measures "will not only tend to secure that efficiency, which is not to be expected "when the officer is liable to be employed on different, and, sometimes "conflicting duties, but will serve to obviate the oppression which the "late enquiry before the Commissioners for the investigation of torture "has shown to be incident to, and favored by, the concentration of Fiscal "and Police powers in the same hands. The second will ensure that "discipline in the force and that promptitude and rigor in its action, "which are indispensable to an efficient Police administration.

"25. Commencing then, with the Native District Police, stipendiary officers, *Peons, Duffadars*, &c., we think that in every district "those who are henceforth to be employed on Police duty should be "wholly separated from native revenue servants ; that none should be "allowed to serve, but such as are of suitable age and able bodied ; that "they should be well armed and equipped, and instructed in the use of "their weapons ; the members of the establishment being available for "*general service*, or for employment in any part of the Presidency ; "that there should be gradations of rank both for the due maintenance "of discipline, and to afford means of promoting the deserving ; and "that a part of the force should be mounted.

"26. For the management of this force, we would advocate recourse "to the plan obtaining in the Bombay Presidency, and suggested for "our consideration by your Honorable Court. * * * *

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"27. In these views we quite concur, and think that, as in Bombay, "a Superintendent of Police should be appointed to each district, to be "in general subordination to the Magistrate, but to have immediate "charge of the district Police Force, and to be vested with the special "duty of the prevention or detection of crime. In some of the largest "districts it may be found necessary to have two Superintendents, "though we would, for the present, limit our calculations to one.

"28. The success of such a scheme will, however, as experience "has shown at Bombay, largely depend upon its being efficiently "supervised by some central controlling authority. For this purpose "we are disposed most strongly to advocate the appointment of a Com-"missioner of Police for the whole Presidency. His chief station "should be at Madras, the Police force of which, as well as that in the "Mofussil, should be under his surveillance; but he would make "occasional tours in the Provinces, and ascertain, by personal inspection, "the defects in the working of the system. He would be the referee "and adviser of Government in all matters of Police, and the channel "through which all reports and returns on Police would be made to them, "occupying, in fact, much the same relation to the Police department "as the Director of Public Instruction does to that of education, or the "Inspector of Prisons to that of Jail discipline. At present the Police of "the country is nominally under the control of the Foujdarry Adawlut, "whose constitution is by no means peculiarly fitted for the trust, and "who are too much occupied with other duties to give it much of their "attention. The appointment of the Commissioner, we think, should be "the very first step towards the organization of the new system. The "Superintendents could be nominated gradually as fit men might be "found and arrangements made.

"29. The Village Police in Madras, as in the Bombay territories, "would, for the present at least, continue under the control of the

"Collector and Magistrate. We are, however, by no means certain that "eventually it might not be found practicable, as well as advisable, to "extend to the village establishments the separation of Police and "revenue functions, which is at once proposed to be carried out in "regard to the Talook authorities. The village watcher, *Taliar*, "*Cavilcar*, or whatever else might be his local designation, would "then be directly under the orders of the Superintendent of Police. "But this, with other matters of detail, would be the subject of consi- "deration as the organization of the system proceeded."

To the Governor General of India, dated 24th September 1856.

7. The Government then solicited sanction of the Government of India for the following measure :—

" 1*st.*—To appoint a Commissioner of Police.

" 2*nd.*—To appoint a Superintendent of Police in each district.

" 3*rd.*—To revise the emolument of the stipendiary and village establishment."

Minute by the Right Hon'ble the President, dated 11th Sept. 1856.
Also the Hon'ble Court of Directors, dated October 11, 1856, No. 35.

8. The Government of Madras again pressed on the Hon'ble Court the necessity of reform in the Police administration.

"I will at once mention that I believe no Police Force can be efficient, "unless it be placed under one command ; and unless there be unifor- "mity of discipline and of method throughout the whole body.

"I conceive the duties of such a corps to consist in the preserva- "tion of the public peace, the protection of person and property, the "prevention and detection of crime, and last (though not least "important to a Government conducted by a few foreigners, amidst "vast masses of another race), the procuring continued accurate "information on the state of the country, and the feelings and senti- "ments of the population.

"It must be evident, that to secure the accurate and punctual "performance of these important duties, the force must be under one "head, who shall be capable of selecting suitable agents, and combining "plans for the accomplishment of the several objects in view, of "directing the movements, of keeping up the communications, and of "collecting information for Government.

"Another point, which I am of opinion is absolutely required for the "proper formation of a Police Corps, is, that its members should be "restricted solely to the duties abovementioned ; and that Judicial "duties should, on no account, be joined with them, excepting such as "may have reference to the internal discipline of the Corps.

"I believe the liberty of persons is seriously involved in this ques-"tion, and that it cannot but suffer detriment to a greater or less extent "in all cases where Magisterial and Police duties are devolved on the "same officer.

"Now, if these views are at all correct, either as to the objects to "be attained by a Police Force, or as to the method to be employed in "attaining them, there can be little doubt that the method is totally "different to the system established here at present ; and that if the "objects mentioned be those of a well organized Police Force, they have "not as yet been arrived at in the Madras Presidency.

"I have no hesitation in stating my opinion, that it is scarcely "possible to conceive a worse Police organization than that at present "in existence, or one more unfit to meet the requirements which may "be legitimately made upon it.

"The theory is this : the Police force is supposed to be under the "direction of the Judges of the *Foujdarry Adawlut.*

"Here, at the outset, we find the Judicial and Police officer combined.

"How far the Judges enter into the affairs of the Police, I am not "aware ; but I know, that on my arrival at Madras, such a thing as a "list of the numbers and distribution of the Police Force was not to be "procured from their office.

"In fact, the Police of the country is entirely confined to each dis-"trict under the Collector, and there is no general supervision whatever, "and no regular communication from one district to another, or to "any central office, on the several points of Police business, which so "imperatively require combination of thought and action.

"Errors and omissions will occur in the best systems, but when such "faults can be shown to belong legitimately to that which is in force, "there should be no hesitation in correcting them.

"I have stated that the Police is, in fact, confined to the districts; "there is, moreover, no general system of discipline, none of instruction, "none of recruiting.

"Now, without taking into consideration the laboriousness of these "multifarious duties, I would ask, ought men with the education which "they can only have had, with habits which they must have acquired, "by being born and bred in an Indian community, to be placed in so "trying a position, in which every facility for oppressing their fellow-"men is at hand, and in which the probability of escaping detection is "very great?"

9. Reviewing the position of the Presidency in case of a call for Troops for Foreign Service, the President further remarked :—

"In a case of such an emergency these Territories must be denuded "of them (the Native Troops).

"In such a dilemma what would there be to fall back upon?—po-"sitively nothing, except a very timorous population, whose loyalty "would be paralysed on any reverse overtaking our Arms.

"But the position of the Government, in case of such a predicament "befalling it, would be totally different, were there a well organized "Police Force, composed of well trained men, accustomed to discipline, "and imbued with the confidence which it alone can give."

Minute of Right Honorable the President, dated 11th September 1856.

10. The Government of Madras saw reason likewise to modify their views in regard to the control to be exercised over the Village Police.

"On one point, since formerly writing on this subject, I have very "decidedly changed my opinion; and that is with respect to the "Village Police.

"They, I think, should be under the same control as the District "Police, in order to ensure uniformity of discipline and action.

"The chief difficulty in effecting this, would be caused by the per- "nicious custom which has generally prevailed of paying these men by "service *Ináms*, which have been allowed to become hereditary; but as "these *Ináms* were abolished in Tanjore and Tinnevelly with good "effect, there is no reason why the same course should not be gradually "adopted throughout the Presidency."

Minute by the Honorable W. Elliot, Esq., dated 27th September 1856.

Mr. Elliot likewise, after reviewing the constitution of the Village Police, and pointing out the causes and disastrous consequences of its decay and inefficiency, adds :—

"I concur with the President in the propriety of placing the Police "of each Zillah under a District Superintendent, subordinate only to the "Magistrate; but invested with exclusive direct control over all the "Police of the District.

"This should include the established Village Police, which I would "make as efficient as possible.

"It will be necessary to appoint a Police Head man in addition to "the Revenue Head man in every village. The Village Moonsiff was "entrusted with Judicial, in addition to Revenue powers, by Regulation "IV. of 1860. But the plan has never worked. Such powers, both "Judicial and Police, are inherent in the office, but they can only be

"exercised under a Native Government, or under a non-regulation "administration. They are incompatible with the division of labor "required under the Regulations.

"But whatever may be the details of the system to be finally adopted, "there can, I think, be no question, that the old Police of the Regulation "Provinces has become effete and powerless, and that it can only be "revived by a thorough re-organization under separate responsible "superintendence."

11. In their Despatch No. 41 of 1856, the Honorable Court, in reviewing the existing state of the Police in different parts of India, observed :—

Dated 24th September 1860.

"7. That the Police in India has lamentably failed in accomplishing "the ends for which it was established is a notorious fact ; that it is all "but useless for the prevention, and sadly inefficient for the detection "of crime, is generally admitted. Unable to check crime, it is, with "rare exceptions, unscrupulous as to its mode of wielding the authority "with which it is armed for the functions which it fails to fulfil ; and "has a very general character for corruption and oppression. There "is moreover a want of general organization ; the force attached to "each division is too much localized and isolated, and the notion of "combination between any separate parts of it, with the view of accom-"plishing the great objects of a body of Police, is seldom entertained.

"8. The evils then, with which, under the existing system, we have "to contend, are to be found both in the character and in the want of "organization of the Police.

"9. The chief cause of the inefficiency of the Police, is what operates "in all countries where it is not adequately overlooked and controlled ; "accordingly it is found in India, that only in districts of less extent "than usual, or favored by an extraordinay degree of zeal, activity, and "bodily strength on the part of the Magistrate, in the habit of mak-"ing frequent tours, are the misconduct and corruption of the subor-"dinate Police, systematically subjected to be checked by the higher "intelligence and sterling honesty which happily distinguish the cove-"nanted servants of the Government of India."

"10. And yet, notwithstanding their possession of these high "qualities, combined in frequent instances with zeal and energy of no "common order, it is, we repeat, not too much to say that effectual "supervision and control have seldom been exercised by the English "Officers in charge of the Police. This, in our opinion, is the cause of "failure and the reasons are briefly these; the enormous size of the "districts committed to the hands of each officer in charge of the Police, "and the conflicting and distracting claims of other important duties, "which would have been, in themselves, sufficient to incapacitate those "in whom they are imposed for the effectual superintendence of a Po-"lice formed of such materials as we have described, even had these "respective jurisdictions been of such an area as to render it physically "possible that they should keep any considerable proportion of their "subordinate agents of the system under their eyes, and hold them "properly in hand. If proof were needed of the truth of this position, "it might be given in the simple circumstance that, whenever it has "been found necessary to grapple effectually with any particular crimes, "such as thuggee or dacoity, an entirely separate instrumentality has "been found to be indispensable for the purpose, and generally success-"ful: and yet, although specially selected for the peculiar duty, and "acting in a comparatively limited sphere, the European Officers em-"ployed to investigate these terrible crimes, and to apprehend the offen-"ders, have not always been able to prevent their native subordinates "from harassing and preying upon the community.

"11. In justice to the Native Officers of Police, mention of one "other chief cause of failure must not be omitted. Although some par-"tial improvement has taken place of late years, the majority of the "principal officers of the Native Police are much under-paid, in relation, "not merely to the importance of their functions, but even to the neces-"sary expenses of their employment in the public service, and to their "social position.

"12. To remedy the evils of the existing system, the first step to "be taken is, wherever the union at present exists, to separate the "Police from the administration of the land revenue. No Native "Officer should be trusted with double functions in this respect. This "is an important consideration, which ought never to be lost sight of.

"Nevertheless, it is still more important that the Officers who control "Police should be required to undertake frequent tours of their dis- "tricts. And they must not be so burdened with other duties, such "as the preparation of forms, returns, and statements, as to be deprived "of the time sufficient for this essential purpose. This supervision, "exercised by intelligent Officers, who are accessible at all times, is the "most certain and effectual check to every abuse of authority by "subordinate servants of Police.

"13. In the second place, the management of the Police of each "District should be taken out of the hands of the Magistrate (who "would thus have more time for exercise of the double functions "adverted to in the foregoing para.) and be committed to an European "Officer, with no other duties, and responsible to a General Superin- "tendent of Police for the whole Presidency.

"14. Finally, we must endeavor to raise the *status* and to secure "the honesty of the principal Native Officers of Police, by raising their "salaries, so as at once to place the legitimate emoluments of their "several appointments in a nearer relation with the importance of their "functions, with the trust that must necessarily be reposed in them, "and with the great value to the people of good and honest service on "their parts, and at the same time to render the tenure of their respec- "tive situations an advantage not to be lightly risked for the sake, either "of factitious and temporary credit with their superiors, or of illicit "gain. In remodelling the Police, it might be advisable, as a general "measure, to admit only those old Officers of Police, at the higher "salaries, who have distinguished themselves by remarkable zeal and "efficiency. We think that a large portion of those taken into the new "Police should be men who have had nothing to do with the old "system.

"16. These measures, however, must be accompanied by another "of the utmost importance. One great object to be aimed at in the "reform of the Police, is to convince the people, that Government is "earnest in its endeavors to place the system upon such a footing "as shall most effectually secure the ends for which it has been insti- "tuted. To ensure this, it will be necessary to make material changes

" in the constitution and organization of the Police. The existing force " is so condemned by the authorities, and so hated by the people, that " a mere attempt at reform, without such changes, would be a serious " error, and would bring about its own failure, from the public and " general conviction of its inadequacy to the great object in view. " We observe with deep regret the long continuance of this evil under " our administration. We think it desirable that an enactment should " be passed, vesting in the Magistrate or Superintendent of Police " the power of summarily inflicting severe punishment on Policemen " in proved cases of delinquency ; and that the Local Government " should be invariably apprised of instances of their intelligence and " intrepidity, and be prompt and liberal in rewarding such conduct."

Further, the Hon'ble Court called for a Report, " in communi- " cation with the other Presidencies, as to the expediency of the " general re-organization of the Police throughout India, upon " some such system as that which obtains with respect to the Police " in the Punjab, or perhaps the Constabulary of Ireland ; and as " to the mode and cost of the proposed reform.

To Secretary to the Govt. of India, No. 116, dated 24th July 1857.

12. The Government of Madras submitted their views :—

" It appears to be decided that, in the re-organization of the Police, " the system to be adopted is, that there shall be in each Presidency,

" 1*st.*—A Chief Commissioner ; in whom will be vested, in com- " munication, it is presumed, with the Chief Secretary to " Government, the direction, discipline, and internal economy " of the corps.

" 2*nd.*—That there will be in each district an European Deputy " Commissioner ; with a sufficient number of subordinate " Officers, Europeans, East Indians, or Natives, and of ***Peons.***

3*rd.*—That the duties of the Officers are to be solely those " belonging properly to a detective and preventive Police, not " possessing a definite judicial character.

" 4. These arrangements will, it is believed, be found in complete " accordance with the proposals, which have, from time to time, been " recommended by this Government."

On other points of the Hon'ble Court's Despatch, the Government of Madras remarked:—

" 8. The Honorable Court, in paras. 20 and 21, direct attention " to the Punjab Police as a system which might be worthy of adoption.

" 9. So far as is to be gathered from the reports, the preventive " Police in the Punjab forms much more a Military Corps than would " be necessary in this Presidency; and the detective Police are, to " some extent, under the direction of the revenue Tehsildars, a system " now condemned.

" 10. The duties of the Police must be detective and preventive, " but they may well be performed by the same Corps; the detective " portion of the force being organized for their special duties by their " superior Officers.

" 14. In para. 24 instructions are given respecting the general " character of the Police, and it is stated, its arms and equipments, " clothing and internal discipline should be such as to preserve the " character of a Police, and to render it serviceable and efficient with- " out approaching Military organization."

" 15. It is trusted that the latter part of this remark may be fully " appreciated. The utility of the Police Corps is apt to be impaired " in attempts to imitate the Military.

" 20. This Government must also submit, that, entirely agreeing " that misconduct in Police Officers should severely be punished, they " cannot but think that such servants should have a right of appeal " equally with other men. They consider, moreover, that these Officers " should, in the discharge of their arduous duties, have undoubted " support of the law, and that the same Act, which gives the power " of punishing them, should also give the power of similar punishment " on those who wrongfully charge them with offences.

"21. The Records of this Government will show how readily "cases are got up against the Police, without any real foundation; "particularly at the present time, when it appears to be generally sup- "posed amongst the people that any charge of Torture will be at once "accepted as true.

"24. The revision of the Judicial establishments with this view, "with the reform of the Stipendiary Police and its due remuneration "and constitution on a thoroughly effective footing, together with the "re-organization of the Village Police, which is not specially noticed "by the Court, but which forms so essential a part of the Police system "of the Madras Presidency, must needs be very costly. But the "Government trust not unduly so, when the vast importance of the "object in view is considered. In the absence of any instructions as "to the general principles to be followed in the constitution and "equipment of the force, the Government can form no conclusion as "to the probable expense likely to be incurred. They venture, "however, to recur to the opinion already expressed, that the first step "to be taken would be the appointment of a Commissioner of Police "for the whole Presidency, who should, in immediate communication "with Government, frame a detailed scheme of arrangements."

To Government of Madras, No. 13 of 1857, dated 9th June / 30th Sept.

13. In 1857 the Hon'ble Court sanctioned the re-organization of the Police on the system advocated by the Madras Government in the following terms:—

"2. The leading features of your plan for the improvement of the "Police of the Madras Presidency, are—*first*, the appointment of a Chief "Commissioner of Police for the whole Presidency, in whom will be "vested, in communication with the Chief Secretary to Government, "the direction, discipline, and internal economy of the Police Force;

"*Secondly*, the appointment in each district of an European Deputy "Commissioner of Police, with a sufficient number of subordinate Officers "and *Peons*;

"*Thirdly*, the entire separation of the Police from all connection "with the revenue branch of administration;

"*Fourthly*, the separation of the Judicial duties of the Magistrate "from those which relate to the prevention and detection of crime;

"*And, Fifthly*, the re-organization of the Village Police.

"4. We authorize you, subject to such future modification as time "and experience may suggest, to organize the Police of your Presidency "on the plan you have recommended in your several communications on "the subject to the Government of India.

"5. Your first step will, of course, be the appointment of a Chief "Commissioner of Police upon such salary as may be deemed proper, "and sanctioned by the Government of India. Then will follow the "appointment, in like manner, of the District Deputy Commissioners. "The Chief Commissioner and the Deputies, acting under the orders of "Government, will then re-organize the District Stipendiary Police in "the manner proposed by you, and on the completion of the new "arrangements in any district, the Police functions of the Magistrate "will cease.

"6. You will make the necessary application for such legislative "measures as may be requisite for giving effect to any part of your "scheme of reform. And as the change will involve considerable addi-"tional expense, the regulation of which must remain with the Governor-"General in Council, you will communicate, from time to time, with "the Government of India, in regard to the gradual introduction of the "system into the several Districts of your Presidency.

"7. We concur with you as to the expediency of putting the Village "Police under the control of the District Deputy Commissioner of Police. "At the same time we are decidedly of opinion that any measures which "may be adopted for the improvement of this important institution, "respect should be had to the leading characteristics of the system "which has been found to prevail among the village communities, and "may be supposed to be most in accordance with the feelings and habits "of the people. The decay of the Village Police system in many of "our older possessions is much to be regretted, and we shall gladly give "our support to any measures for re-establishing it upon such a basis as

"shall render it efficient for the purposes of its original institution. The "appointment, duties, and allowances of the Village Watchman, the "authority to which he is to be immediately subordinate, the position "which he is to occupy in relation to the Headman of the Village, and "the inferior Officers of Police, and the sources from which the means "of his remuneration (whether from lands held rent-free as before, or "a system of town duties, or a local assessment) are to be drawn, are "subjects which will call for your early and attentive consideration."

Vide Police Administration Report for 1858-59.

In pursuance of these measures a Chief Commissioner of Police was appointed in May 1858. His first duty was to proceed to each District; there to study, in communication with the local Officers, the condition of the existing Police Establishment, Stipendiary and Village, specially with a view to the separation of the joint Revenue and Police duties and Establishments—and to the financial effect of such separation. A preliminary Report of these results was duly submitted to Government. The inquiry has since been extended, by Special Commission, in relation to every existing district Establishment, whether Magisterial or Revenue—both Stipendiary and Village—and the whole have been subjected to careful examination and re-adjustment, with a view to improved administration and financial economy.

Precis of General Principles to be observed in the re-organization of the Police.

15. Early in December the Chief Commissioner submitted a sketch of the system proposed by him for carrying out the objects in view, of which the leading feature is, that "The Police becomes a distinct Department under the direct supervision of the Government: its members of all grades being divested of judicial functions, and being under the exclusive control and management of their own Officers."

Extract Minutes of Consultation, dated 4th January 1859, No. 9.

"4. The following will be the constitution "of the Police :—

"I. *Village Police;* under the control of the District Superinten-"dent, consisting of the Village Watch; constituted as at present

"of the Official Village Watchers, but strengthened, improved, "adequately remunerated and properly controlled. A Village "Police Inspector, to exercise the Executive Police functions of "the present Village Moonsiff or Patail to superintend the Village "Watch, and to form the link between the Village Police and "community, and the general Constabulary.

"II. *A general Stipendiary Constabulary;* consisting of a "sufficient number of Subordinate Police Officers, as follows:—

Constables.
Head Constables.
Inspectors.

"III. *Superintendents* in charge of the Police of their respective "Districts.

"IV. *A Chief Commissioner;* in whom will be vested, in communication with the Chief Secretary to Government, the direction, "discipline, and internal economy of the Police Force.

"5. Measures will be taken for the recruiting and training of the "different grades of Police, for which a moderate expenditure on "preparatory grade will be indispensable.

"6. Parties of Mounted Police will be maintained in certain "localities.

"7. All Inspectors and Sergeants will be mounted.

"8. A suitable reserve will be kept with the Police Head Quarters "of each District.

"9. The Stipendiary Police will be duly instructed in the use of "their weapons, Sword and Carbine; but will not carry Arms, beyond "a Truncheon, their ordinary badge of office, except as occasion "requires.

"10. This Constabulary will undertake every executive duty in "each District, Jail and General Treasury Guards, Escorts of Revenue "and Treasure, &c.

"11. The Police will exercise no Judicial or Magisterial function "whatever. It will take the initiative only for the preservation of "peace and prevention of crime, and in case of serious offence: in all "other matters it will act under a Magistrate's process alone."

16. To this scheme of re-organization the Government accorded general approval; and a Draft Bill of Act XXIV. of 1859 was submitted to the Legislative Council.

17. While the Bill was before the Legislature, and with reference to the discussions that then took place, the Madras Government instructed the Legislative Member as follows:—

To H. Forbes, Esq., dated 6th May 1859, *No.* 632.

"4. You will therefore understand it to be "the distinct and unanimous intention of the "Madras Government.

"*First.*—That the local Superintendents of Police are to be entirely "under the orders of the local Magistrates.

"*Secondly.*—That the functions of the Commissioner, or, as he "should more properly be styled, the Inspector General, will be confined "to the organization of the establishment, and to maintaining it in a "state of efficiency, by a proper attention to promotion, discipline, and "other details of management.

"5. The primary object of the plan, I am desired to add, is to place "an improved instrument, for the prevention and detection of crime, at "the disposal of the Magistrate; besides which incidental advantages "of great public importance will be obtained, such as the assumption, "by the Civil Power, of its proper duties in guarding Treasuries, Jails, "&c., the concentration and consequent reduction in amount, and im- "provement in efficiency of the Military Force; and the general "advancement of the population in character and resources, from the "superior protection which will be afforded, both from the exactions "of native subordinates, and from the depredations of thieves and "robbers.

And further:—

To H. Forbes, Esq., dated 20th June 1859, *No.* 846.

"2. The preamble may, it appears to this "Government, properly run as follows:—

"Whereas it is expedient to make the Police Force throughout the "Madras Presidency a more efficient instrument, at the disposal of "the Magistrate, for the prevention and detection of crime, and to "re-organize the Police Force, and improve the condition of the Village "Police; It is enacted, &c."

"It will be proper, lastly, that you should bear in mind the future "discussions on this Bill, that while it is proposed to vest in the local "Magistrates the most ample powers of control (save in matters of drill, "discipline, &c.,) over the District Superintendents and their Establish-"ments, it is yet meant that such supervision shall be of a general "character, that the Superintendents shall, as far as possible, be left to "provide for the prevention and detection of crime in their Districts, by "means of the Police Force under their orders; the Magistrate exercis-"ing a general control, and interfering more immediately, only on occa-"sions when he may deem his intervention really necessary. The rela-"tion of the Superintendent to the Magistrate, his superior, and the "paramount authority in the District, cannot be easily defined in words "in all its bearings; but its general purport is as above indicated. The "real working of the revised system can only be clearly seen and "appreciated after it shall have been brought into actual operation; "and it will be the duty of this Government carefully to watch the "introduction of the improved Police, and to check at once any depar-"ture from the principles upon which it is based."

Police Administration Report for the Official year 1859-60.

18. Act. XXIV. of 1859 was passed in September 1859. Before the end of the official year its operation had been extended to nine Districts of the Madras Presidency. To these six more had been added before the beginning of September; in all, fifteen Districts out of twenty, in which the introduction of the new Constabulary has either been fully, or in a great measure effected.

W. ROBINSON,
Inspector General of Madras Police.

OFFICE OF INSPECTOR GENERAL
OF MADRAS POLICE, MADRAS,
22nd September 1860.

EXTRACT OF FIRST REPORT OF HER MAJESTY'S COMMISSIONER APPOINTED TO CONSIDER THE REFORM OF THE JUDICIAL ESTABLISHMENTS, PROCEDURE AND LAWS, 1856.

The Police in the Provinces of Bengal are armed with very extensive powers. They are prohibited from inquiring into cases of a petty nature, but complaints in cases of the more serious offences are usually laid before the Police darogah, who is authorized to examine the complainant, to issue process of arrest, to summon witnesses, to examine the accused, and to forward the case to the Magistrate, or submit a report of his proceedings, according as the evidence may, in his judgment, warrant the one or the other course. The evidence taken by the Parliamentary Committees on Indian Affairs during the Sessions of 1852 and 1853, and other papers which have been brought to our notice, abundantly show that the powers of the Police are often abused for purposes of extortion and oppression; and we have considered whether the powers now exercised by the Police might not be greatly abridged. We have arrived at the conclusion, that, considering the extensive jurisdiction of the Magistrates, the facilities which exist for the escape of parties concerned in serious crimes, and the necessity for the immediate adoption, in many cases, of the most prompt and energetic measures, it is requisite to arm the Police with some such powers as they now possess; and we have accordingly adopted many of the provisions of the Bengal Code on this head.

In one material point we propose a change in the duties of the Police. By the existing law, the Darogah or other Police Officer presiding at an inquiry into a crime committed within his Division is required, upon the apprehension of the accused, to "question him fully regarding the whole of the circumstances of the case and the persons concerned in the commission of the crime, and, if any property may have been stolen or plundered, the person in possession of such property, or the place where it has been deposited. In the event of the accused making free and volun-

tary confession, it is to be immediately written down." Then follow other provisions for preventing any species of compulsion or maltreatment, with a view to extort a confession or procure information. But we are informed, and this information is corroborated by the evidence we have examined, that, in spite of this qualification as to the character of the confession, confessions are frequently extorted or fabricated. A Police Officer, on receiving intimation of the occurrence of a Dacoity or other offence of a serious character, failing to discover the perpetrators of the offence, often endeavors to secure himself against any charge of supineness or neglect, by getting up a case against parties whose circumstances or characters are such as are likely to obtain credit for an accusation of the kind against them. This is not unfrequently done, by extorting or fabricating false confessions; and when this step is once taken there is of course impunity for the real offenders, and a great encouragement to crime. The Darogah is henceforth committed to the direction he has given to the case; and it is his object to prevent a discovery of the truth, and the apprehension of the guilty parties, who, as far as the Police are concerned, are now perfectly safe. We are persuaded that any provisions to correct the exercise of this power by the Police will be futile; and we accordingly propose to remedy the evil, as far as possible, by the adoption of a rule prohibiting any examination whatever of an accused party by the Police, the result of which is to constitute a written document. This of course will not prevent a Police Officer from receiving any information which any one may voluntarily offer to him; but the Police will not be permitted to put upon record any statement made by a party accused of an offence.

It will be seen that we do not propose to extend to Calcutta the rules for regulating preliminary inquiries by the Mofussil Police. The Police of Calcutta do not exercise any judicial functions; and as the Magistrates there are always at hand, the same necessity for investing the Police of Calcutta with such powers does not exist as in the case of the Police in the more extensive jurisdictions of the Mofussil.

MINUTE BY THE HON'BLE MR. GRANT.

Dated the 23rd November 1854.

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4. In the reference from the Bengal Government, the system under which the office of Collector is united with that of Magistrate in the same person, is treated of as having been formerly the prevalent system of Bengal. But that system can hardly be said to have existed in Bengal at any time in any other form than in that of a short experiment which, when judged of after the experience of a few years, was pronounced to have failed, and was therefore abandoned. The offices were united, I think, in 1830 or 1831; and in 1836 the Police Committee sat, which reported against the union. The last system, before the present system, which existed in Bengal long enough to be considered as a settled system, was that established by Lord Cornwallis; wherein the offices of Magistrate and Civil Judge were united in the same person. So far as that union combined the function of a Civil and Criminal Judge, it was, I think, not merely unobjectionable in principle, but practically the best arrangement that could be made. In so far as it combined with the functions of a Criminal Judge, the duty of a Superintendent of Police and public prosecutor, it was, I think, objectionable in principle; and the practical objections to it were greatly aggravated by the course of subsequent legislation, which raised the judicial powers of a Magistrate six times higher than they were in the days of Lord Cornwallis. But this objection of principle has not been removed by any change that has since been made, and will not be removed by any change now recommended to be made.

5. In my opinion it is generally worth while to make a change of system, when that change removes material faults of principle,

in what affects the foundations of a good administration. But I must confess myself to be slow to be convinced of the expediency of changes of system, which affect the outside and the form of things, but leave essential errors exactly where they were. In discussing a question of this nature sixteen years ago, the Governor General of that day, Lord Auckland, recorded a remark which struck me forcibly when I read it at the time, and which has ever since been present to my mind, and operative upon my judgment in considering public questions of this nature. Speaking of a scheme of that day, which had been recommended by the highest authority at the Presidency, and which, by a mere transfer of duties from one authority to another was expected by its promoters to do great things, Lord Auckland wrote thus from the Upper Provinces: —

"I may frankly avow that I have come to the consideration of "this proposal with but little "prepossession in its favor, for "I am deeply impressed with "the feeling that there has been "with successive Governments of "India too ready a disposition to "adopt extensive changes of sys-"tem in cases only requiring "something of administrative reform. Under frequent changes "of this kind, no system is fairly tried; the confidence of the "people is shaken, and they become utterly at a loss to know to "what authorities or to what tribunals they are to look with con-"sistent respect. We have a very limited number of trustworthy "agents; we have a vast number of important and responsible "situations; we must be sometimes disappointed in the efficiency "and even in the proper conduct of our Officers. Yet I would "not, upon occasional instances of such disappointment, be hasty "to condemn our present means of enforcing a due performance of "public duties, or to look to new classes of agency—whilst,

See Governor-General's Minute, 10th October 1838, Judicial Consultation, 5th November, No 2. *See* also Hon'ble Court's letter, in reply, of 24th December 1838, in which the Hon'ble Court say, "His Lordship has stated an opinion which we have had frequent occasion to convey to you, when he says, &c. The Hon'ble Court then cite part of the passage cited in the text.

" however, I avow this ground of prepossession against the plan " proposed, I trust I shall not be the less disposed candidly to " examine it."

6. In 1836, with the offices of Collector and Magistrate united, the Police of Bengal was felt to be amiss. Instead of any "administrative reform," which, going to the real root of the evil, would have corrected or alleviated it, what was done was, in the very spirit which Lord Auckland afterwards characterised in the passage I have quoted above, to place the two offices each in separate hands; after which change of system of course the Police remained much what it was before. But because the disunion of the offices has done no good or little good to the Police, have we any warrant for presuming that the re-union of the offices would do it any good? It is very true that we are pressed with the sense of Police affairs in Bengal being amiss now. But what is the root of the evil? No one denies that Police affairs in Bengal will continue amiss, till an adequate Constabulary Force and trusty native officials in the Thannahs are provided for it; till Bengal shall be put on an equal footing in this respect with the rest of India. Now no change of names, no shifting of offices will have any tendency to increase the Constabulary Force or to give Bengal trusty native officials in the Thannahs. What assurance then have we, that if these two offices are reunited to-morrow, another Police Committee, sitting six years hence, and pressed (as it will assuredly be, unless some very different measures are taken) with a sense of Police affairs being amiss in Bengal, will not repeat what, under precisely the same circumstances, the Committee of 1836 did, and so drive the Government to undo all again? The words of the Hon'ble Court, quoted in the Bengal Secretary's Note (applying to the change made in 1836, the remark that a general change of established system is always in itself to be avoided, unless the grounds for it be strong and unqestionable,) are as applicable to the change the Secretary is supporting, as they were to the change he is objecting to. Both the union and disunion of the offices in question are surface changes of system; neither measure affects the root of the evil.

MINUTE BY THE HON'BLE MR. GRANT.

Dated the 8th May 1855.

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11. The Police Committee of 1838, though I was not a Member of it, was too noted a subject in the history of the Bengal Police to have been forgotten by me ; I have therefore sent for the printed Report of that Committee, which I circulate with the Minute. I request particular attention to paras. 8 to 12 of that Report, which are devoted to this particular subject.

12. That Committee not only took into consideration a mass of official returns, which had been called for by Government, it sought "for information on a more enlarged scale, especially "from private individuals, native as well as European, who had "resided or were still residing in the interior, and whose local "knowledge and experience in different parts of the country "qualified them for giving the utmost value- "able information."* The effects of the union of the offices of Magistrate and Collector was the first point to which the Committee in their Reports adverted. They commence their remarks on this point with these words: "To the "union of the office of Magistrate and Collector, injurious effects "are generally attributed."† They quote, with approval, the opinion of an officer, who writes :—"In some districts, it (the Police) is made over entire- "ly to the Deputy and Joint Magistrate ; and where this is the "case, I have generally observed that the duty is much better "done."‡ The Committee themselves say: "we doubt much if in the settled provinces, "where the revenue is realized by the process of sale, and the "Collectors have little communication with the agricultural com- "munity, but such as must unavoidably render them unpopular, any "advantage is derived by the Police from the conjoined influence "of the Collector, or if the greater experience available

* Report, para. 2, page 1.

† Para. 8, page 3.

‡ Para. 9, page 3.

"for the Magistracy, by means of that conjunction, is not more "than counterbalanced by the inconveniences "resulting from it."* So far the Committee report unanimously. They proceed to say :—"The majority of the "Committee, in concurrence with almost the whole of the gentle-"men, both in and out of the service, who have been asked their "opinions on the subject, think decidedly that the efficiency of "both departments would be much better secured, generally "speaking, by entrusting the superintendence of each to a dis-"tinct functionary. We are of opinion that their attention would "be less distracted by conflicting duties; that each would then be "individually responsible for his own department, and enjoy the "whole credit of his own exertions. And it will not be the least "of the advantages resulting from such an arrangement, that no "idle or competent person could then be "long tolerated in either situation."†

* Para. 10, page 4.

† Para. 12, page 4.

13. To show the nature of the utmost possible difference of opinion there can have been between the majority and minority of the Committee upon this point, I will here cite the explanatory note with which the only two Members who signed the Report in a qualified manner, namely, Mr. Lowis and Mr. Halliday, accompanied their signatures: "We have signed this Report, not because "we agree in its contents, for we have made other propositions in a "Minute rendered in the Appendix, but because, being over-ruled "by the majority in respect to our own suggestions, we think "those contained in this report the *next best*."‡

‡ Report, para. 30.

14. The only gentleman who at any time took a part in the labor of the Committee, and who in any degree supported the union of the offices, was Mr. T. C. Scott. Another Member, who left the country before the Report was signed, was Mr. D. C. Smyth, who had the reputation of being quite the best, as he was one of the most experienced Magistrates in Bengal. He recorded his opinion of the disjunction of the offices in these words:—"I consider "this division of labor to be indispensably necessary as a prelimi-

" nary arrangement, and until this suggestion (the recommendation " of the Committee to disjoin the offices) " is carried into effect, I do not anticipate " any improvement in the state of the Police."*

* Appendix, p. v.

15. Mr. F. C. Smyth, at that time Superintendent of Police, thus records the result of his experience :—" Nothing can be worse " than the union. It is wrong in theory and evil in practice. I " need not say any thing more on this subject, as I believe out of " Calcutta the opinions of the service are " unanimous."†

† Appendix, p. xi.

16. Mr. Halliday, with whom is Mr. Lowis, (and in whose opinion upon this point, as he then thought, I entirely agree,) went further. He would not only have taken away from Magistrates their fiscal functions ; he would have taken from them also their criminal judicial functions, leaving them simply Heads of Police. He wrote :—" The union of Magistrate and Collector has been " stigmatized as incompatible, but the junc- " tion of thief-catcher with Judge is surely " more anomalous in theory, and more mischievous in practice."‡

‡ Appendix, p. xx.

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18. There was a stir about the badness of the Police in 1838. Mr. Halliday then recommended the disunion of the offices of Magistrate and Collector, which was effected. There is a cry about the badness of the Police now. Mr. Halliday now " strongly recommends" the union of the offices of Magistrate and Collector. Are we never to get out of this round ? Can it be right in the Government of this great country, to spend its time and its energy, and the time and energy of its officers, *always* in turning half a dozen into six, and then in turning six back again into half a dozen ?

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26. But what does experience teach us ? Before the Police Committee's Report of 1838, the Police Darogahs received Rupees 25 a month. Perhaps some people thought them then sufficiently

paid. Whatever may have been thought of their pay, their character then was so bad, that it is hardly describable in words. No one seriously denies that it has been generally improved by the increase of pay granted in 1839. It is even asserted by some, that a few somewhat respectable Darogahs actually exist. But no person, European or Native, capable, by personal experience, of being a witness on such a question, is to be found, who will say that the general character of this class of officers is not very bad now. This fact is certain.

27. The Lieutenant-Governor, therefore, unless he is prepared to maintain the general excellence of the Darogahs, as a class, which I treat as impossible, must maintain that competency and fair prospects of rising, by merit, to high rank and emoluments, will not have the same good effect upon this class, which it has had on native Judges, Deputy Collectors, Deputy Magistrates, and Sub-Assistants. Why it should be imagined that this should be so, I am at a loss to conceive? I am myself quite sure that it will not be so.

28. I have advised a reduction in the very large increase of pay proposed by the Bengal Government for native Judges; which, if agreed to, will afford material assistance in raising the pay of Police Darogahs. By adopting a system of Head Darogahs, each with, say, three deputy darogahs subordinate to him, I believe the great object of having all the Thannah Police under an officer of real respectability, not too far off to be useless, will most cheaply be attained. But a new class of officers, as Assistant Darogahs, must, be provided; and, upon the whole, if we really intend to do any good we must make up our minds to a large increase of outlay upon this important class of officers.

29. Making the Head Darogahs a body of men equal in general respectability to the class of Moonsiffs will be an immense step in itself. But as far as dacoities, affrays, and forcible entries are concerned, nothing can be done without an effective body of Police Peons. The main expense of any rational reform of the Police will be in this particular.

MINUTE BY THE HON'BLE J. P. GRANT.

Dated 9th April 1857.

BENGAL POLICE.

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7. What is at present our disgrace and our danger in Bengal is, not merely that our Police Burkundauzes are infinitely too few in number to keep the peace among forty millions of souls, but that the *morale* of the Policemen we have is such that they wont fight, even when in sufficient numerical strength at any spot. They are wholly useless, not only in such a grave affair as the Sonthal Insurrection, but in the common affrays that occur constantly in Bengal. They cannot face the professional Lattials. There are numerous cases of European Civil Officers, with large guards of Burkundazes, put to the rout by rioters less formidable than the professional Lattials.

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In short, the physical force which every Darogah must have at his command, should be a real force, not as now, merely a nominal force, which fails him whenever it is wanted for use; and for this purpose, I see nothing for it but to supplant our Thannah Burkundauzes by semi-military Policemen. The detection of crime, I do not doubt, will be best managed by quite a different class of men, whose numbers will be comparatively very few, and whose qualifications must be very different from those required, of a sturdy and spirited body of fighting Policemen. As a class, I cannot very clearly distinguish these proposed detective Policemen, from the class to which the present Thannah Mohurirs belong.

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10. We require a body of men enlisted on the side of order, who shall be equal in point of courage, and superior in point of

discipline and organization, to the professional Lattials. These Thannah Burkundauzes are infinitely inferior to the Lattials in all three points. Now raising their pay might enable us to get men of sufficient courage; it might put the Magistrate on a more equal footing in the Lattial market with the Zemindar and Planter than he is on now, but it would do nothing for discipline or organization. To attain these objects, we must have a semi-military body; and as we are to have such a body in the Police Battalions, I would look to those Battalions exclusively for my physical force at the Thannah, as well as at the Sudder Station. If this use is not made of the proposed Police Corps, then such Corps will be merely what the Calcutta Militia are now, which, for all common Police purposes is not, and was not intended to be, of any use. If this use is made of the proposed Corps, then I believe the Lattials' occupation will be gone.

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20. There is no longer any question as to the necessity of separating the functions of Revenue and those of Police and Criminal Justice, so *far as native functionaries are concerned.* This one decisive effect the Torture Report has had upon the European mind universally. So much of the "native system" (at one time lauded beyond measure and without qualification, both in its Revenue and its Police aspect) has been abandoned by all. The Honorable Court's present Despatch pronounces judgment against it, in respect to Native Officers. That is to say, it is now by universal consent pronounced to be insupportable, if its action is entrusted to those who invented it. The Torture Commissioners are in nothing more confident than in this; that bad as the system has been as worked under us, it was infinitely worse as worked under Native rule. "The Native system" then was an abomination, as is now universally recognized, when worked in the only way its inventors contemplated its working; and but for the miracle of the country having fallen under the dominion of strangers from a distant Western Island, it must now be admitted that

the theory of the propriety of this union of dissimilar functions, as an Indian practical question, would have become hopeless. Therefore, the contention of all the supporters of this union, who accept the judgment of the Home Government, as pronounced in this Despatch, must now be narrowed to this position; that the Mahomedan system, though abominable under the Mahomedans, became, by a wonderful accident, the best possible system for the country they misgoverned, when put into the hands of Englishmen; though, confessedly, it is a system which is contrary to all English principle and practice, and is disagreeable to the commonplace English mind. And it is further contended, that the fact that Englishmen are in a particular Province (Bengal) a numerous and a fast increasing part of the community, forming already one of its most important classes, and promising to become quite its most important class, is no special objection to the adoption of this Mahomedan system in that particular Province.

21. Here is a great step gained. The question is very much narrower, and very much simpler, than it once was. I do not know if the full extent of the decision that the united functions cannot be entrusted to Native hands, has been seen. Not only must Revenue and Police powers be disjoined in the case of the Peons and the Tehsildars; the principle of the reform applies as strongly to the Deputy Collectors and the Deputy Magistrates, who are mostly Natives. Yet the functions of these last mentioned classes of Officers are in quality the same as those of Collectors and Magistrates. A Deputy Magistrate of experience has always the full powers of a Magistrate. However this difficulty may be treated, I see not how incongruity of system, and invidious and offensive class distinctions, are avoidable, if the union in European hands is persisted in.

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22. Every officer of Indian experience will understand why the fact of the two classes of Native Officers being under different

European heads, causes in the one class a wholesome fear of the other. A European Officer is always the last person to hear of the mal-practices of his own Native subordinates. The people will complain to any one else, but it is hard to induce them to complain to a Chief of the conduct of those under that Chief's orders. A European will hear plenty of evil of the conduct of Native Officers over whom he has no control; but he will hear little against those who serve him, or serve under him; and what little he does hear will be probably in the shape of charges which, in the manner and form alleged, are false. It is immaterial to the present question whose fault this is; it is the fact alone which is material to our present purpose, and no one will question the fact.

23. It is hardly necessary to cite proof of a fact so notorious. But the ready manner in which the people came great distances in numbers to make their complaints to the Torture Commissioners, as soon as they heard of the object of the appointment of that body, contrasted with the extreme paucity of complaints on the same subject made to the local Officers, whose regular and constant duty it is to hear them, is in itself remarkable evidence of the effect which the disconnection of the Officer who is to hear a complaint with the Department complained against, has upon the Native mind. "I did not complain," says one witness; "it must be "by the Collectors' orders that the Tehsil-"dars perpetrate such cruelties."* Others say, "I did not complain, as it is not "usual for such complaint to be listened to,"† and "I did not "complain to the Collector; what is the use of a poor man like "me complaining:" and "I did not complain to the gentlemen, "for who will hear." Yet the same people travelled great distances to make, as Volunteers, the same complaint to "the gentlemen," the moment they heard of gentlemen open to such complaints, and officially disconnected with the Native Officers against whose abuses of power they had to complain. The truth is, as the Torture Commissioners have explained to the world, and as every intelligent Indian Officer has known since his first Assistantship, that it is the banded body of Amlah belonging to

* Report, page 28.

† Report, pp. 25, 26, 27.

the Department with which he is concerned that a Native complainant is afraid of; and that all Amlah under one head, whatever may be their respective designations, are one band.

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30. I believe that I shall not be wrong in quoting here some expressions of Lord Ellenborough's, by way of supporting my argument by the high authority of a former Governor-General of India. His Lordship said*:—"I rejoice "that the Noble Duke (Duke of Argyll) has "stated it to be his opinion, and, as I understand that of Her "Majesty's Government, that it was absolutely essential to separate "the functions of the Police from the collection of the Revenue. "I have always been of opinion that the Police and the Revenue "should be in different hands; but the Noble Duke will find, and "the Government here will find more practical difficulty in carrying "that separation into effect than they expect, and, unless the greatest "resolution is shown by the authorities here, you may depend upon "it failure will ensue. I say this with the more confidence, "because this was the only subject on which I and my Council did "not agree. I never could get them to adopt the view which "I always entertained as to the necessity of separating the Police "from the Revenue Department." I cannot refrain from supporting another point in my argument by the same high authority. His Lordship said†:—"There is nothing more dangerous or improper in the state of "India than the connection between the persons in the Police and "the persons who were generally understood to have the ear of the "Collector. It leads to the keeping back of complaints which "ought to be made, and to the defeat of justice when complaints "are made." It is obvious that whilst one man is Chief of the Police and Criminal Judge in his capacity of Magistrate, and Chief of the Native Revenue Servants in his capacity of Collector, the greatest possible facility is given to that connection to which Lord Ellenborough objects.

* See page 989.

† See page 991.

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38. The system whereby various functions, each of which is separate in other well administered countries, are sometime united in India, is represented in its most amiable view when it is called Patriarchal. It is suitable and convenient as a temporary expedient in a new acquisition; and it is a necessary expedient in a poor and ill-peopled Province of great geographical extent. It is a very silent system, and goes on with little trouble to rulers so long as the remembrance of the ancient misrule lasts, and so long as few Europeans, or others who have been accustomed to a regular government, fall under its operation. It is a great favorite with those whose administration is known to the public only by their own reports of it. But it has its long undiscovered abuses and its sudden explosions; witness the Madras Torture Commission. Without, however, questioning the system, where it is appropriate, I ask if such a country as I have above described Bengal to be, is a fit country for a Patriarchal experiment? For this system two parties are required; the sage and paternal ruler of a district, and the dutiful family of subjects. Not to speak of the first requisite, I may safely deny that Bengal affords the last.

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42. *Union of the Functions of Superintendent of Police with those of a Criminal Judge.*—This, as a question of criminal procedure, is so peculiarly a subject for discussion in this Council in its larger form, when re-inforced by the learning and local experience of its Legislative Members, that it is not necessary for me to discuss it here. It will come up for discussion in connexion with the new Codes. I will therefore here indicate my views upon it very shortly. The one point for decision, as it appears to me, on which alone the whole question turns, is this, in which way is crime more certainly discovered, proved, and punished, and innocence more certainly protected; when two men are occupied each as thief-catcher, prosecutor, and Judge, or when one of them is occupied as thief-catcher and prosecutor, and the other as Judge? I have no doubt that the principle of the division of labor has all its general advantages, and an immense preponderance of special and

peculiar advantages, when applied to this particular case: and I have no doubt that if there is any real difference between India and Europe, in relation to this question, the difference is all in favor of relieving the Judge in India from all connexion with the detective Officer and prosecutor. The Judicial ermine is, in my judgment, out of place in the bye-ways of the detective Policeman, in any country, and those bye-ways in India are unusually dirty.

43. Indeed, so strongly does this feeling operate, perhaps, unconsciously, upon the English minds of the honorable body of men from whom our Magistrates are chosen, that in practice the real evil of the combination is, not that a Judge, whose mind has been put out of balance by his antecedents in relation to the prisoner, tries that prisoner; but that the Superintendent of Police, whose nerve and honesty are indispensable to the keeping of the Native Police Officers, in order, abandons all real concern with the detection of crime, and the prosecution of criminals, in the mass of cases, and leaves this important and delicate duty almost wholly, in fact, to the Native Darogahs. He does this instinctively, because he knows that he will have to sit on these cases as Judge, and he feels that he cannot, with satisfaction to his own conscience, or even with outward decency, take an active share in both of his mutually repugnant duties.

44. If the combination theory were acted upon in reality; if an Officer, after bribing spies, endeavoring to corrupt accomplices, laying himself out to hear what every tell-tale has to say, and putting his wit to the utmost stretch, for weeks perhaps, in order to beat his adversary in the game of detection; were then to sit down gravely as a Judge and were to profess to try dispassionately, upon the evidence given in Court, the question of whether he or his adversary had won the game; I am well convinced that one or two cases of this sort would excite much indignation as would save me the necessity of all argument *à priori* against the combination a theory. The real question is not whether respectable European Superintendents of detective Police shall also be high Criminal Judges, with powers to try all but the most heinous cases; but

whether you will have any respectable European Superintendent at all, effectively at the head of your detective Police. The consequences of there being now no real check of a European superior over the Darogah in the detection of crime, and in the getting up of cases, are deplorable. The Lieutenant-Governor of Bengal appears to me to be less than just to our higher Criminal Courts in the blame he casts upon them. There seems to me to be something inconsistent, after the stress laid on the youth of the Magistrates, and the necessity of a change of system, in order to substitute more experienced men, in supposing when these youths and very much more experienced men differ, the youths to be generally in the right. It is the duty of Judges to acquit all prisoners whose guilt is not proved, and this duty they perform without fear of man. That justice labors under heavy disadvantage, in a country where, in many cases, no quantity of mere swearing will, in itself, carry conviction to a sensible mind, is manifest. If, after making due allowance for this disadvantage, it is found still that crime too frequently escapes punishment, surely the remedy is, not to complain of cool and disinterested men, who, upon their judicial oaths, acquit whenever they find no proof of guilt; but to apply ourselves to the root of the evil, by doing what we can to stimulate the active pursuit of offenders; and to check false prosecutions, and what is perhaps equally common, the getting up of false evidence against real criminals.

45. The Lieutenant Governor's objections to this division of business, after the best attention I can give them, seem to me to be founded on imaginary evils. His Honor anticipates such extreme antagonism between the Native Police Officer and the Native Judge, as would be materially inconvenient. Under a moderately sensible European Magistrate, controlled by an intelligent Commissioner, who would not talk or act as if Police Peons and Darogahs were infallible, and dispassionate Judges were never right, I cannot see why there should be any such consequences. At any rate, if this be a valid objection, it is an objection to giving criminal powers to any Moonsiff; but this deduction is inconsistent with the views of the Lieutenant-

Governor himself; who would not refuse *all* Moonsiffs' criminal powers.

* * * * * *

MINUTE BY THE HON'BLE J. P. GRANT, DATED 27TH NOVEMBER 1854, UPON PUNJAB REPORT, FOR 1851-52 AND 1852-53.

* * * * * *

For nineteen districts of moderate size, containing a population of something upwards of ten millions, seven Police Battalions of foot, and twenty-seven troops of mounted Police, have been provided, at a cost of about sixteen and-a-half lakhs of Rupees a year. Altogether, for the Civil duties of this territory, eight and-a-half battalions and thirty-eight troops, consisting of twelve thousand men in organized bodies, are set apart. Besides these, for the same territory there are about ten thousand men called detective Policemen, maintained at a cost of about eight and-a-half lakhs of Rupees a year, and all this is besides the old village chowkeedars or watchmen of the country. Knowing this, I was prepared to hear that the extinction of Dacoity, and of all crimes of organized violence, in the Central Districts of the Punjab, may be pronounced complete.

It is only by comparison that the strength of this Police Force can be tested. For about thirty very large districts in the lower Provinces of the Bengal Presidency, containing a population usually estimated at forty millions, the number of Policemen provided is little more than eight thousand, at a cost of four lakhs and a quarter of Rupees a year.* To these must be added, in order to show the whole physical strength provided "for the Civil duties" of the lower Provinces, a few hundred men forming an organized body called the Behar Station Guard, (which is a body corresponding with the Punjab Police Battalions,) and probably the

*	No.	Cost. Rs.	A.	P.
Jemadars ...	670	62,633	8	0
Burkundauzes	7,601	3,62,850	0	0
Total ...	8,271	4,25,183	8	0

several Jail and Treasury Guards, who, I suspect, are not included in the return from which I have taken the number of Police Burkundauzes in Bengal. Also allowance must be made for from 3,000 to 4,000 men employed in the Punjab on frontier duty, Military rather than Civil. But all allowances made, the disproportion is enormous.

* * * * * *

MINUTE BY THE HON'BLE B. PEACOCK.

Dated the 30th April 1857.

BENGAL POLICE, &c.

* * * * * *

It appears to me, however, that the Deputy Magistrates, or I would rather call them, Deputy Superintendents of Police, should not exercise any judicial powers as proposed by the Governor-General. I think it should be their duty to superintend the Police within their districts, and the investigation of all cases of crime committed therein, and with the assistance of the Darogahs and Naib Darogahs to collect evidence, to take the depositions of witnesses, and to bind them over to give evidence; also to see that every case of crime committed within their districts is taken before the proper Court for trial with the necessary witnesses and evidence to establish the charge. They should communicate with the Deputy Magistrates of the adjoining districts, with a view to the apprehension of criminals, and with the Superintendent of Police of the Zillah in which their own districts are situate, and the Darogahs and Naib Darogahs should be bound to communicate to them every case of heinous crime committed within their respective Thannahs, and should report to them whenever they have occasion to leave the Thannah for the purpose of making investigation. These and other duties connected with the prevention and detection of crime will require them to be constantly moving about their districts.

See Proposal, No. 9.

* * * * * *

To exercise judicial duties, a Deputy Magistrate ought to be stationary, or at least he should have fixed times for holding his Court at particular places; otherwise, when a prisoner is sent up to him for trial, together with the witnesses, from a considerable distance, it may be found that in the discharge of his Police duties he is at quite a different part of his station. Independently, therefore, if the objections so powerfully urged by our Honorable Colleague, Mr. Grant, against the union of Judicial and Police functions, I think it is impossible for the same Officer to exercise any active superintendence over the Police of his district, if he be expected to exercise Judicial powers.

I therefore think that it will be better to have all judicial powers to be exercised by the Sessions Court, the Magistrate, and the Subordinate Criminal Courts, as proposed by the Law Commissioners.

* * * * * *

I have already written a Minute upon the subject of the union of the offices of Collector and Magistrate. I still retain the opinion which I then expressed, that the two offices should not be re-united if the Magistrate is to continue to have any superintendence over the Police of the district.

See Minute, dated 15th May 1856.

If the Magistrate be relieved from all Police duties, I do not think that the union of the offices of Collector and Magistrate will be so objectionable. I feel very great doubt, however, whether the Collector will have time properly to attend to the judicial duties of Magistrate if the new Sale Law be passed.

But whether the offices of Collector and Magistrate be held by the same person or not, it appears to me that the management and superintendence of the Police, in each Zillah, should be entrusted to a European Officer, who should have no judicial or other duties, and should be required to be frequently moving about in his district.

* * * * * *

(Signed) B. PEACOCK.

Judicial Department.

No. 61 of 1857.

OUR GOVERNOR GENERAL of INDIA in COUNCIL.

* * * * * *

7. The general result then of your recommendations is the maintenance of the Police in Bengal very much upon the existing system, but paid at higher rates than is the case at present, and strengthened and assisted by divisional corps of a semi-Military character.

8. We suggested in our Despatch, to which your present letter is a reply, the necessity of making material changes in the constitution and organization of the Police, and observed that "a mere attempt at reform without such changes would be a serious "error, and would bring about its own failure, from the public and "general conviction of its inadequacy to the great object in view." We trust that the higher rates of pay proposed to be given, and increased vigilance on the part of the superintending authorities, will lead to a considerable improvement in the Police, but we could have wished for some more extensive change, than any which either the Lieutenant-Governor or yourselves have recommended, in regard to its organization, which we cannot, but fear, will be open to the objections to which we previously directed your attention. We are unwilling, however, in so important a matter, to urge upon you the adoption of any system which is not in accordance with your own views, especially as it is probable that an opportunity will hereafter be afforded of testing the merits of the different systems by the introduction into the Presidency of Madras of a Police force organized to a great extent upon the plan suggested by us in our Despatch of the 24th September 1856, which we have recently authorized as an experiment.

9. If, however, the recent lamentable events have convinced you that it is now expedient to organize the Police of Bengal after a Military fashion, in imitation of that adopted in the Punjab, for

relieving the regular troops of irksome duty, and in other respects assisting them, we authorize you immediately to act upon our earlier instructions of September 1856, and put in execution such a scheme.

* * * * * *

14. The authority now conveyed to you will set you at liberty to proceed with the proposed measures as soon as you shall find yourselves in a condition to go forward with them.

Memorandum of probable Cost of Mofussil Police for all India, based on the partly ascertained cost of the Madras Mofussil Police.

	ALL INDIA. As per data in Colonel Balfour's letter.	MADRAS. As per Mr. Robinson's Memorandum of 27th April 1860, with corrections to date.
Square Miles	830,000	118,239
Population	131,000,000	20,280,945
Constabulary	138,000	22,635
Supposed present cost	Rs. 25,000,000	Rs. 25,57,317

2. There are twenty districts in Madras, and in nine of these twenty, the maximum of Constabulary and their cost have been ascertained; in other four districts the maximum of Constabulary has been ascertained, but their cost has been deduced by means of the average of the nine ascertained districts; seven other districts remain, for which the number of Constabulary and their

cost have been estimated. The averages were struck in this wise; for the Constabulary—the mean between the proportion taken area-*war* and population-*war*; for the cost—the mean between the cost taken area-*war*, population-*war* and Constabulary-*war*. I consider this to be the most correct way of striking these particular averages, and think the result very satisfactory, so far as safety from *under-estimating* is concerned. Its result proves that Mr. Robinson has over-estimated his requirements, having put down 365 men and Rupees 10,563 in excess of them—but as aforesaid, his data are maximum charges. There is, however, a certainty that these maximum charges will be very materially diminished, by eventual reduction of numbers on the final allocation of the Mofussil Police. There was nothing at first to guide the Inspector-General and Superintendents as to the points and beats of their districts, and there was, of course, in the beginning, a great deal to learn as to the characters and habits of the several localities and populations. The same difficulty is nearly always

ALL INDIA. | MADRAS.

experienced on opening a line of Railway, and it always results in the employment, in the first instance, of many more men than are wanted when men and things have got into their proper places; resulting, not uncommonly, in a reduction of from twenty to twenty-five per cent.

3. I do not, however, think it safe to reduce the estimate under this head, this year, because the item for clothing is too low. And here it must be remembered that all the cost of experimenting has had to come out of the Madras estimates, and that none of the Police paraphernalia will cost so much hereafter as heretofore. Thirty-three lakhs may, I think, be taken as the maximum, subject to reduction, when all the Constabulary shall have been established.

∴	118,239 : 33,00,000 ::	830,000 :	2,31,64,108
∴	20,280,945 : 33,00,000 ::	131,000,000 :	2,13,11,137
∴	22,635 : 33,00,000 ::	138,000 :	2,01,19,284
		3)	6,45,94,529
			2,15,31,510

4. With 33 lakhs as the *datum* for Madras, the cost for the whole of India, taking Colonel Balfour's Statistics, will be 215 lakhs maximum, subject to a very heavy reduction, which, at 20 per cent., will bring the amount down to 172 lakhs.

ALL INDIA.	MADRAS.
	5. The number of Constabulary given by Colonel Balfour, for all India, is, as compared with that for Madras, too low. The results being as follows:—

∴ 118,239 : 22,635 :: 830,000 : 1,58,889
∴ 20,280,945 : 22,635 :: 131,000,000 : 1,46,205

2) 3,05,094

1,52,547

Colonel Balfour's *datum*	1,38,000
Mean of Madras taken area-*war* and population-*war* ...	1,52,547
Difference ...	14,547

but, considering the large amount of desert in Upper India, and its more sparse population, probably the lower number will prove the more correct.

24th July, 1860.

PROCEEDINGS OF THE LEGISLATIVE COUNCIL.

Saturday, September 29, 1860.

PRESENT:

THE HON'BLE THE CHIEF JUSTICE, *Vice-President, in the Chair.*

HON'BLE SIR H. B. E. FRERE,
HON'BLE C. BEADON,
H. B. HARINGTON, ESQ.,
A. SCONCE, ESQ.,
HON'BLE SIR C. R. M. JACKSON,
AND
C. J. ERSKINE, ESQ.

* * * * * *

POLICE.

Sir Bartle Frere, in moving the first reading of a Bill "for the better regulation of Police," said, that the pressure of business upon the Legislative Council, so shortly before its adjournment, compelled him to be very brief in stating the views of Government on this measure, which, he believed, was second in importance to few at this moment. The Council was aware, from what had repeatedly been mentioned by Mr. Wilson in the course of the current year, that there was no portion of the civil expenditure of Government which had more rapidly increased of late years, none into which searching enquiry was more necessary, and where economy was more possible, than in the Police and semi-Military charges. The attention of the Government of India had long been directed to this subject, in the belief that greatly increased efficiency was not only compatible with, but essential to, greater economy in this branch of the expenditure. In this belief the Government of India desired, before the Council adjourned over the holidays, to lay before the Council a number of papers relating to the appointment and labors of the Commission which was now sitting on the subject of the general Police of India, with the present Bill which was founded on the report of that Commission.

It was proposed that this Bill should, if the principle be approved by the Council, be read a second time, so as to go forth to the public for the criticism of those who were best able to offer an opinion on the subject, and it was hoped that by the time the Council re-assembled, we should be in a position to proceed with advantage in the further discussion of such an important measure as a general law for the regulation of Police.

It was necessary that he should offer a few brief remarks on the history of Police Reform in India during the last quarter of a century. It would be in the recollection of Honorable Members of this Council, that up to a recent period the Magistrate was charged with the oversight of the Police of his district, and this had been the practice for upwards of half a century. The consequence was that, as business increased, the Magistrate gradually became a Judical Officer with very extended powers, and was little able to give his Police that exclusive attention which was absolutely requisite to keep it efficient. About the time of Lord William Bentinck, complaints of the inefficiency and corruption of the Police in all our Regulation Provinces became universal. The complaints were generally that, whether few or many in proportion to the population, the Police was every where oppressive and corrupt, undisciplined and ill-supervised. The superior Officers and Magistrates were either inefficient Superintendents of Police, or if active as Police Officers, apt to be biased as Magistrates. The earliest attempts at reform were made in the Presidency towns by appointing Superintendents of Police separate from the Magistrates, and it was observable that the result had been invariably such as to demonstrate the soundness of the principle of that separation. He thought that any body coming to Calcutta, where the Police and Judicial duties of sitting Magistrates had long been separated, must be struck with the general efficiency of the Police. In Bombay great insecurity of life and property prevailed for some time, until Lord Clare, about 1832 or 1833, reformed the Police, by appointing separate Officers as Superintendents of Police, and separate sitting Magistrates to try cases that were brought up. This measure was

concluded with the appointment of non-official Justices of the Peace, both Native and European. These gentlemen had discharged the duties entrusted to them in a very satisfactory manner, and it had been found that the change had been attended with excellent results as regarded the administration of justice in Bombay, where a very general interest was taken in the matter by the non-official public. His Honorable and learned friend opposite (Sir Charles Jackson) would recollect numerous instances of the efficiency of the Police under Mr. Forjett, which was as high as could be expected of any Police in India. He (Sir Bartle Frere) would instance the suppression of the Bunder gang which had for some time entirely baffled the efforts of the Police. During the mutiny Mr. Forjett was successful in maintaining public confidence in the Government throughout the native town, in a manner which would serve as an example in any European country. He (Sir Bartle Frere) mentioned these instances in illustration of the value of one great feature of the measure which he was about to lay before the Council, that is, the entire separation of the Executive Police from all immediate subordination to the sitting Magistrate and from all judicial functions.

The first real attempt to reform the Mofussil Police was made in Scinde by Sir Charles Napier. Immediately after the conquest of that Province, he drew up a plan, on the model of the Irish Constabulary, which, though complete from the first, was the result of long thought. Its characteristics were separate organization, complete severance of Police and judicial functions, complete subordination to the general Government, and, lastly, discipline not in the nature of parade, but as far as was necessary to effective organization. His plan was adapted to the local village system as then prevailing in that Province, and since its introduction nothing could have been more efficient than the Police. It was at first received with great distrust by the civil officers, a feeling in which he (Sir Bartle Frere) must say he at first shared, but its results were such as to convert the most sceptical among them. He might enumerate the total suppression of organized violent crime,

the entire absence of dacoities or highway robberies, and the check to the very prevalent crime of cattle-stealing, all which testified to the soundness of the principle of the measure. Nothing could have been better than the conduct of the Sind Police during the mutiny, and for that and the general efficiency of that Police the thanks of the Government had repeatedly been conveyed to Major Marston, the Captain of Police, who had belonged to it since its first formation under Sir Charles Napier. The plan was approved by Lord Ellenborough, who was then Governor-General of India, and he ordered its extension to the North-Western Provinces. Three Police Corps were raised to relieve the Military of the Civil duties previously performed by them. Lord Ellenborough, however, left India, and there the reform stopped. Shortly after, Sir George Clerk, who came out as Governor of Bombay, visited Sind in 1847. He instantly recognized the value of the Sind Police, and commenced reforms on a similar principle in Bombay. He (Sir Bartle Frere) would refer to the great value of Sir George Clerk's opinion, as affording an ample answer to the usual objection, that this system might do very well for England and Europeans, but was not adapted to this country. He believed there was no man living whose opinion was entitled to greater respect on such a question than Sir George Clerk, whether as regarded his intimate knowledge of the natives, or his sympathy with their wants and wishes, and his tact and discrimination in dealing with them. Shortly afterwards the lamented Sir Henry Lawrence was appointed Chief Commissioner of the Punjab after the annexation of that Province, and he commenced upon the re-organization of the Police very much on the same plan adopted in Sind. Unfortunately, however, the original was departed from in many particulars, and a double system of Police created, namely, *first*, the employment of an unorganized body of burkundauzes under the Deputy Commissioners as Magistrates; and, *secondly*, the formation of Police corps under the control of the Chief Commissioner, doing no real Police work, but exclusively employed as jail and treasure guards, and on other duties which had pr viously devolved on the regular army.

This system was effective but very costly. The Police corps were, in fact, a second civil army. This was an objection to them as a Police, but it was very fortunate for India that the mistake—for it was a mistake as far as regarded their Police duties,—was made, for it was these corps which so materially assisted Sir John Lawrence to hold the Punjab and to retake Delhi. Still they were a very expensive addition, whether looked on in connexion with the Police or the Army.

The Punjab Police was, he believed, the model for the Police corps, and levies which had grown up in the North-Western Provinces since 1857, and which now formed so serious a charge on the finances, and also for the Police corps which existed in Oude before the mutiny.

He would now turn to Oude. The day after the fall of Lucknow Sir James Outram, under instructions from the Governor-General, desired Colonel Bruce to submit a scheme for Police, which he did on the Sind model, on the 23rd March 1858. When Sir Robert Montgomery succeeded, we only held the capital, and the country had still to be subdued. He ordered Colonel Bruce to raise a Police to aid in the first instance in that object. In June 1858 three thousand cavalry in five regiments, and twelve thousand infantry in fourteen regiments, were ordered to be ready to take the field with Lord Clyde by the 1st October 1858. This was done. They occupied the country as the Army passed over it, were engaged in eighteen actions, and lost one European Officer and thirty-seven men killed, one hundred and seventy-six men wounded, and one hundred and ninety-two horses, casulties. On the 1st January 1859 Sir Robert Montgomery decided that the country having been thoroughly subdued, the Police should have a less Military character, and he made a purely Civil body on the principle of entire separation from the Military on the one hand, and from the Judiciary on the other. Within two months this was done. Colonel Abbott organized a Constabulary for Lucknow on the model of the London Police, and

large numbers of Nujeebs and Burkundauzes were absorbed. The success of the measure was so great, and tranquillity so complete, that on the 21st July 1859, the Commissioners proposed a reduction of eleven lakhs per annum, the tehseel establishment being simultaneously reduced. The present Oude Police was about 9,200 men in number. Before the mutiny it was about 10,000 Police, besides the Oude local force, three regiments of cavalry, and ten regiments of infantry. The annual cost of Nujeebs and Police under the King's Government, as taken from Parliamentary papers, was 45,61,000 Rupees. After annexation, the cost of the Police and Local Force was 26,98,000 Rupees. The present Police expenditure was about 15,82,000 Rupees. Meanwhile the Chief Commissioner contemplated further reduction, which it was hoped would bring it down to eleven lakhs of Rupees per annum. The hearty thanks of India were due to Sir Robert Montgomery, Mr. Wingfield, and Colonel Bruce for these results, which he begged the Council to note as evidence of the mode in which such a Police could be adapted to the wants of any Province, and as a very sufficient answer to the objections which had been raised both in this country and in England, to the large expenditure on the Police of the conquered Province.

He would only briefly advert to what had been done in the way of Police reform in Madras with which the Council were probably better acquainted than he was. Attention was first drawn to the subject by the Report of the Torture Commission, and the result was embodied in the Act passed by the Legislative Council on the 6th September 1859. He might mention that he had often heard Mr. Robinson, the Chief of Police at Madras, speak of the obligation he was under to this Council, and especially to the Honorable and learned Vice-President, for the aid he received in framing this Act, which, although it had not been in force for more than a year, had proved most successful in operation. The principle of that Act was well known to the Council, and he (Sir Bartle Frere) would therefore only read the following brief

extract from the Report on the administration of the Police, as constituted under that Act, for the official year ending 30th April last :—

"The constitution of the Madras Police is as follows :—

"I. A village or local Police consisting of,—1*st*, the village watch "or local Police establishment—constituted as at present, of the Talari "or village watch and detective ; but strengthened, improved, adequately "remunerated and properly controlled : The Talari Police is strictly "localized, and the limit of their duty duly circumscribed. They do the "ordinary Police duty of the village, and are kept in daily communication "with each other and the general Constabulary, through ; 2*ndly*, the "Village Inspector, who is one of the principal and most intelligent "ryots of the neighborhood, and supervises the working of the village "watchers within a circle of the village conveniently clubbed together, "and makes a daily report of all occurrences that take place to the head "Constable of the district. The Village Inspector forms an important "link in connecting the Police with the respectable rural population of "the country.

"II. General Stipendiary Constabulary—consisting of Inspectors of "Police, head and deputy Constables, and Privates. These latter are "formed into Police parties of a strength adapted to the work to be "performed ; and are located under the command of head and deputy "Constables at the head-quarters of the talook magistracy, and in other "convenient positions for the patrol and watch of the highways and "country in general ; every part of which is visited and communicated "with once in twenty-four hours. District Inspectors of Police control "and supervise the working of both the Village Police and the parties of "the general Constabulary. They command them when collected for the "performance of any duty ; and form, with the petty officers, the detective, "and, so far as falls within the proper province of the Police, the pro-"secuting agency of each district. The lower grades of the general "Constabulary are drawn from that class of the people who become "peons and enter the native army ; and are of all castes and races. "The Constables or petty officers will generally rise from the ranks.

"The Inspectors, the superior officers of the force (a fair proportion "of whom will be Europeans and East Indians,) are drawn from those "superior classes of native society that enter the higher walks of the "general service of the Government. They will intelligently guide and "carefully watch the conduct and spirit of the ranks without being too "intimately connected either in interest or sympathies with the bulk "of the force.

"That degree of Constabulary training and instruction which are "indispensable to a body which has to guard treasuries and jails, and "may be called upon to support the magistracy in preserving the peace "and ensuring order, is imparted to the force. They learn the use of "their arms and the simple evolutions that may be required, but they "carry no arms beyond the truncheon, the ordinary badge of office, "except when occasion requires. The supply of arms to each district "will be in a very limited proportion to the force employed. The "means of rapid concentration are observed, and are greatly facilitated "by the relation the Constabulary stands into the Village Police.

"No distinction is observed between preventive and detective duties. "Every Police Officer, whether of the Village Police or general Consta-"bulary, is responsible for every duty belonging to the Police. The "smooth working of the Police is specially attended to; and, above all, "they are enjoined not to annoy the people by unnecessary interference. "The Police is forbidden by the law to entertain petty complaints of "every description, and even in cases of grave crime operates generally "under a Magistrate's warrant only. Every grade of the Police is "amenable to the jurisdiction of the magistracy."

The Council would observe that this constitution struck at the root of one of the great curses of this country, namely, the detention by the Police of persons charged with offences, often without warrant and for corrupt purposes. Since the passing of the Act eleven districts had been examined and reported upon by the Inspector-General. On the 25th of October 1859, North Arcot was the first district brought under the operation of the Act.

It had been extended to seven districts before the end of the official year. The area taken in hand up to this date was nearly ten thousand square miles, and the number of the force organized was six thousand. Care had been taken to render the Village Police effective in every district simultaneously with the introduction of the regular Constabulary. No single case of jarring with the magistracy had occurred. This was remarkable, as a transition state was full of anxiety, and nothing but great forbearance on both sides could have enabled it to be passed through in peace. He thought that what he had said on the subject of the Madras Police would be satisfactory to the Council as tending to show that they had not been wrong in passing that Act.

In the North-Western Provinces a great deal had been done preparatory to effecting a reduction of Police expenditure and a reform of the Police. In November 1858, two commissions were appointed at Agra and Allahabad to consider a report on the Police of those Provinces. In October 1859, a comprehensive Report was received from the Lieutenant-Governor on the subject, on which, after much correspondence, final instructions were given by the Governor-General in April last. The cost of the Military Police alone in the North-Western Provinces amounted to 44,61,000 Rupees, from which the Lietenant-Governor proposed to reduce thirteen and a quarter lakhs, the Civil Police to continue as a separate establishment, costing about fifteen lakhs annually. The Military Police were employed to guard jails and treasuries, escort treasure and prisoners, and have a reserve force at head-quarters. The entire proposed force of Military Police consisted of eighty-six European Officers, four thousand horse, and sixteen thousand foot, the cost of which was thirty-one and a half lakhs of Rupees per annum. The Governor-General estimated that seven thousand foot and eighteen hundred horse would be sufficient at a cost of about eighteen lakhs per annum, and suggested an amalgamation of the Civil and Military Police on the Oude system, so as still further to reduce the cost. In reply the Lieutenant-Governor intimated his willingness to

accept the Oude system with some modifications, and appointed a Committee at Nyne Tal to consider the subject, and report on it, and it was hoped that the result of their labors would be a very considerable reduction of expenditure under this head.

So with regard to the Punjab. Sir Robert Montgomery was asked, in a letter from the Governor-General in April last, to consider the expediency of remodelling the Punjab Police on the Oude system, or, if that were impracticable, to reduce his Military Police to what was absolutely necessary for the internal peace of the country. It was calculated that seven thousand foot and sixteen hundred horse would suffice for these purposes, thus providing for an immediate reduction of 2,888 horse and 2,144 foot. The Lieutenant-Governor seemed inclined to adopt the Oude system. He did not anticipate that he would effect much reduction in the Police expenditure, but he hoped greatly to reduce the standing native army of the Punjab.

The Government of India had thus done its part towards reducing the Police and semi-military expenditure, within proper bounds. It now rested with the local Governments to carry out these views, and from their well known ability and energy, there was every hope of a satisfactory result.

In Bengal Police battalions were raised during the mutinies of 1857. The present strength was 6,600 privates, at a cost of nine lakhs and sixty thousand Rupees per annum, but the old Police and station guards had been abolished, and the total increase was less than seven lakhs per annum. It was the least expensive Police in India, but it was very desirable to render it more efficient, which could not be done without increased cost.

Thus it would be seen the necessity for economy had not been overlooked, but, in order the better to secure that object and something like uniformity, the Police Commission was appointed on

17th August last, consisting of Mr. Court, for the North-Western Provinces; Colonel Phayre, for Pegue; Mr. Wauchope, for Bengal; Mr. Robinson, for Madras; Mr. Temple, for the Punjab; and Colonel Bruce, for Oude; all men of ripe experience, especially in matters connected with Police. They had submitted an able report, which would be laid before the Council, together with this Bill, which embodied the principles adopted in their Report. The Report was accompanied with documents which he thought would be found extremely interesting as regarded the cost of the Constabulary, which it was proposed to substitute for the present Police. The propositions of the Commission would be found stated in full in their report. He would only advert to the important ones; they were as follows:

Complete separation of a Military armed force under Military command from the Civil Constabulary—

That the Military force should confine itself to Military duties, and the Civil Constabulary to civil duties—

That the Civil Constabulary for India should be formed on the model of the English and Irish Constabulary—

That the Civil Constabulary should be under the Executive Government for all Police purposes, protective, preventive, and detective—

That unity of action and organization were essential to efficiency and economy—

That all separate Police and quasi-police bodies must therefore be absorbed in the new Constabulary—

That the same body should also provide for all purely Civil Police duties connected with the army, such as watching military stores, &c., as distinguished from guarding them—

All personal guards and orderlies and Municipal Police to be incorporated in the new Constabulary —

That the new Constabulary be linked to the Village Police, so as to make the latter an useful supplement to the former—

Mounted policemen to be employed only where absolutely necessary—

That there was to be no separate detective body, no spies and informers, who, under the present system, were a curse to the country—

That the Police department should be a separate branch of administration with an Inspector-General under each Government, the Police being linked on to the magistracy at the district office or Chief Magistrate of the district, whatever might be his denomination—

The Inspector-General to have under him Deputy Superintendents and other subordinates—

Complete severance of executive Police and judical functions. The paragraph on this subject ran thus :—

"That, as a rule, there shall be a complete severance of executive "Police from judicial authorities ; that the official who collects and traces "out the links of evidence, in other words virtually prosecutes the "offender, should never be the same as the officer, whether of high or "inferior grade, who is to sit in judgment on the case even with a view "to committal for trial before a higher tribunal. As the detection and "prosecution of criminals properly devolve on the Police, no Police "officer should be permitted to have any judicial function."

The rest were details as to pay and organization. Among them it was provided that the pay of the Constabulary should be

always equal to the highest wages of unskilled labor; that of officers and non-commissioned officers being such as to put them above temptation and to form an inducement to respectable men to enter.

It was not to be expected that this plan would be accepted everywhere. Its progress must be gradual, as it had been in England and Ireland, where many years had elapsed before the system was extended over the whole kingdom. It was hardly to be expected that the measure would be carried out at once. It was essential that it should carry with it the consent of the officers by whom it would be worked. It was not the intention of Government to put in force such a system until the officers to whom that duty would be entrusted were convinced of the soundness of the principle on which it was based. We had an encouraging proof of the mode in which those principles commended themselves to the judgment of practical men in the report of the Commission, which was composed of officers of Government, who had come from different parts of the country, and who had previously held the most discordant views. But after they had very fully discussed the subject, they unanimously adopted the Report, which was the foundation of this Bill. The Commissioners would now return to their districts, and would re-assemble here to determine the financial part of the scheme proposed by them. But wherever these officers went, he trusted that they would carry with them and disseminate the principles on which they had agreed, for he felt that they were not only calculated to maintain the public peace and security, but were also connected with the prosperity of the country, because, unless the proposed scheme or some other equally efficacious in reducing the costs were adopted, there was no hope of bringing the income and expenditure of the Indian Government to meet within a reasonable period. It was to this point he trusted that the attention of the officers of Government would be directed. The subject of Police was one which had long attracted the attention of Mr. Wilson, and he believed that the plan of the Commission would have received his entire concurrence.

He must apologize to the Council for having detained them so long. He trusted the importance of the measure would plead his excuse. He should now move the first reading of the Bill.

The Bill was read a first time.

Saturday, October 6, 1860.

PRESENT:

THE HON'BLE THE CHIEF JUSTICE, *Vice-President, in the Chair.*

HIS EXCELLENCY THE COMMANDER-IN-CHIEF,	H. B. HARINGTON, ESQ.,
HON'BLE SIR H. B. E. FRERE,	A. SCONCE, ESQ.,
HON'BLE C. BEADON,	and
	C. J. ERSKINE, ESQ.

* * * * * *

POLICE.

Sir Bartle Frere moved the second reading of the Bill "for the regulation of Police within any parts of the British Territories in India, to which it may please the Governor-General in Council to extend its provisions."

Mr. Harington said, had it not been the intention to prorogue the Council to-day for some weeks, he thought he should have ventured to ask the Honorable Member of Council who had charge of this Bill to allow his Motion for the second reading to stand over for a week at least, in order that, before affirming the principle of the Bill, by allowing it to be read a second time, they might have had a little more time for considering the provisions of the Bill, and for making themselves acquainted with the reasons of the measure which they were informed would be found very fully stated in the Report of the Police Commission, and in the Resolution

of Government appointing that Commission. These important papers had not yet been officially communicated to the Council.

Sir Bartle Frere here mentioned that the papers had been presented.

Mr. Harington remarked that the papers had not yet been printed and circulated, and he thought that they ought to have been placed in the hands of Honorable Members, in order that they might have had an opportunity of informing themselves of their contents before being called upon to vote on the Motion before the Council. He need scarcely say that this Bill was a very important one; few more important Bills had ever come before the Council. The changes which the Bill proposed to make in the system of the Mofussil Police were very large, and would affect, not only the character of the Police as a body, but also their duties, powers, and responsibilities. He was sure that the Council would agree with him that changes so vast and extensive as were proposed by this Bill should not be hastily introduced; in other words, that they should be adopted only after full enquiry into and ascertainment of what was defective in the existing system, and after careful and mature deliberation, and it appeared to him that this was especially necessary in the present case, because he had reason to know that many old and experienced officers, who differed materially on other matters, and some of whom preferred the Non-Regulation to the Regulation system, entertained very serious doubts whether the principles on which this Bill was stated to be based, however suited to England and Ireland and the three Indian Presidency Towns, were suited to the Mofussil Districts of this country. He was fully sensible of the great importance of having the Bill published at once for general information, in order that, when they resumed their sittings, they might have before them the opinions of the local Governments and of their subordinate Officers, and of the public at large, upon the various provisions of the Bill, and he for one should deeply regret if the publication of the Bill

were delayed for weeks, simply by reason of the sittings of the Council being suspended. Under these circumstances, although he must confess that the motion for the second reading of the Bill to-day, before they had been placed in possession of the materials on which the Bill was founded, had rather taken him by surprise, he considered it to be quite consistent with his duty that he should support the motion, but he did so on the understanding that he did not pledge himself to the details of the Bill, or indeed to the principles involved in it.

Mr. Sconce said, this was not a new Bill. It was an old friend with a new face. The Council would recollect that, just before the adjourment of the Council last year, we were pressed to pass the Madras Police Act; and though he believed he might say the Council entertained objections to pass a Bill of that kind as a general law, and some Members possibly thought the details of the Bill might be improved, nevertheless, under the urgency of the time and circumstances, the law, as submitted by the Madras Government, was adopted. Several Honorable Members of the Council, he believed, were of opinion that a change in the Police Administration, which was applicable to Madras, might not be inapplicable to the whole of India. Indeed, we looked upon the Madras Bill in connection with the Code of Criminal Procedure which was at that time passing through a Committee of the whole Council; and, if he rightly recollected, the Council were prepared to embody in that Code such portions of the law enacted for Madras as should appear to be an improvement upon the system now in force elsewhere. Now as to the Bill before the Council, he desired to remark that so many different topics were mixed up in it, that the more immediate object of its enactment appeared to be obscured. He was not substantially opposed to the principle advocated by the Honorable Mover of the Bill, which he took to be the re-organization of the Police; but the provisions embodied in the Bill were various and heterogeneous. First it provided for the constitution of the Police; another point related to the organization and government of the

Police ; another to procedure ; and another applied to subjects which were embraced and better provided for in the Penal Code now about to be passed into law by the Council. For example, the 19th Section of this Bill related to the unlawful assumption of police functions, the personation of Police, &c. Now he would ask the Council to refer to the Penal Code, where there were better provisions for the punishment of cheating by personation. There was another Section of this Bill (Section XXII.) relating to false or frivolous charges. He need not tell the Council that in the Penal Code there were provisions against making false charges. It appeared to him, therefore, that, while the Penal Code embodied the general law upon such points, it was inexpedient to introduce the same matter in a Police Bill. Again, Section XXXIV. of this Bill declared a penalty for any party failing to obey a summons, an offence which was fully provided for in Section CLXXIV. of the Penal Code. Then there was another Section (XLIV.) relating to prevarication by Police Officers in judicial trials. If we did not legislate for prevarication with respect to witnesses in general, as certainly we did not in the Code, he did not see why we should do so as regards the Police in this Bill. There were other instances which he might mention to the same end ; and in the same manner he might refer to other points which more properly came under the Code of Criminal Procedure. He did not know if the Honorable Mover of the Bill had gone through that Code, which had received so much attention in a Committee of the whole Council this time last year. He (Mr. Sconce) could not, however, but express his strong conviction, that whatever Chapter of the Code we might chance to take up, contained in every way more satisfactory provisions than those laid down in this Bill.

He would not detain the Council unnecessarily long, but he might be allowed to say that all that had been done of late years to improve the Bengal Police had, in a measure, been ignored. He need not tell the Honorable and learned Vice-President that, in the course of the years 1857-58, very large charges had been

incurred by the Government of India for improving the Bengal Executive Police. On the whole, taking the additional cost of mohurrirs, jemadars, burkundauzes, darogahs, and Deputy Magistrates, no less a sum than about 7,69,000 Rupees were sanctioned by the Government in those two years. At the same time the total charge in the Regulation and Non-Regulation Provinces of Bengal, exclusive of Deputy Magistrates, was about 13,30,000 Rupees. His object in mentioning this was two-fold : *first*, we might reasonably expect to know what had been the result of those additional charges ; and, *next*, a more important question even than that was to ask, if the Civil Police charges now amounted to 13½ lakhs, how far it was proposed to go under the new Bill ? The Commission to whom the question was referred, and by whom this Bill had been drawn, had declined, and were, indeed, at the moment, unable to estimate the cost of the change which they recommended. But this scheme was prepared after the system lately introduced into Madras, and from the papers that had been printed, he found that the new police was estimated at the rate of one man to every thousand of the population. Thus it was calculated that 22,000 men to be entertained at Madras would cost 24 lakhs of Rupees, or, with necessary extra charges, in all 30½ lakhs. If the same estimate were adopted here, the cost of 40,000 men which, at the same rate, should be required for a population of 40 millions, would amount to 57 lakhs of Rupees. It would appear then from the only data yet furnished as to the working of the new system, that as regards Bengal, a Police expenditure, which at present amounted to 13½ lakhs, might be increased to 57 lakhs. What he entirely agreed in with the Honorable Mover of the Bill was that there should be a thorough reorganization of the Police establishment, which should secure the combined action of the whole body. At present the Police of every District, indeed of every thannah, was unconnected, isolated, and independent ; and certainly it would be a great improvement to combine the whole into one working body, under a common head. He would remind the Council, however, that organization was quite a different matter from

Procedure, and this Bill adopted both. He heartily approved of the organization provided by the Bill. The farther it was carried, the more thoroughly did he concur in the Bill; but he objected to the substantive Penal law and Criminal Procedure being embodied in a Bill required for the re-constitution of the Police establishment.

Another matter proposed by the Honorable Mover was that the executive functions of the Police should be separated from their judicial functions. That was a most important matter. For himself, speaking of the general principle only, he was disposed to adhere to the rule which should deprive Magistrates of the duties of Police Officers, but how far it was practicable was another question, and he must say that that was not the recommendation of the Commission, nor was it their intention that the connection of Magistrates with the Police should be discontinued. He was not speaking against the principle, but only against the supposition that by this Bill the object would be accomplished, and he could have no difficulty in satisfying the Council that the report did not go to this extent. The Commission drew up their recommendations in a series of propositions. The 25th proposition was as follows :—

"That in every district under the jurisdiction of one Magistrate, "there should be at least one European Officer of Police, to be styled "District Superintendent of Police: who should be departmentally "subordinate to the Inspector General of Police, in every matter "relating to interior economy and good management of the Force, and "efficient performance of every Police duty; but bound also to obey the "orders of the District Officer (that is, the Magistrate) in all matters "relating to the prevention and detection of crime, the preservation of "the peace, and other executive Police duties, and responsible to him "likewise for the efficiency with which the Force performs its duty."

Here then it was clear that, in the opinion of the Commissioners, Magistrates should have full cognizance and control of the proceedings of the Police.

Again it was said—

"In some parts of India this original function of the Magistrate has "not been widely departed from, in other parts, extensive judicial "powers have been superadded to their original and proper functions. "This circumstance has imported difficulties in regard to maintaining "the leading principle enunciated above; for it is impracticable to "relieve the Magistrates of their judicial duties, and, on the other hand, "it is at present inexpedient to deprive the Police and public of the "valuable aid and supervision of the district officer in the general "management of Police matters.

"That, therefore, it is necessary that the district officer shall be "recognized as the principal controlling officer in the Police adminstra- "tion of his district. And that the Civil Constabulary, under its own "officers, shall be responsible to him and under his orders, for the "executive Police administration."

Again it was said—

"That all members of the Police force should be bound to obey the "lawful orders of the Magistrate, and that for neglect of duty or "disobedience of orders, the Magistrate should have the power of "inflicting summary criminal penalties; such sentence to be appealable "in the usual course of law."

It appeared also, that a Despatch, dated so lately as the 6th July last, had been received from the Secretary of State on this subject, in which it was enjoined that the Civil Police should be under the control of the Magistrates of districts, subject to the supervision of the Commissioner of the Division, where such officer existed. And what did the Police Commission say? They said—

"We trust that our propositions will show the care we have taken "to preserve the responsibility of the Magistrate for the general success "of the criminal administration of the district; and to afford him prompt "means of ensuring the obedience of the organized Constabulary to his "lawful orders."

The Council, he thought, must now be satisfied as to the intentions of the Members of the Commission in preparing this Bill, who certainly did not propose to give effect to the principle of practically separating the duties of the executive Police from those of Magistrates. The Commissioners admit the practical difficulties that presented themselves in dealing with the question, and the measure before them was not by any means of so thorough a character. The Bill, indeed, was silent on various important points of practice, and therefore did not carry out the principal object which it had been suggested to us was to be enforced. While we were considering the Criminal Procedure Code last year, one of the points discussed was the mode in which the Police should exercise their functions, that is, as to the power of examining prisoners taking confessions, questioning witnesses, and so on. On that point this Bill was wholly silent, and that, he thought, was a material defect of the Bill. It was not only a defect, but something more, because the Bill allowed functions to be exercised without defining the mode in which they were to be exercised. In this respect he very much agreed with the recommendations of the Commission.

In their 69th proposition it was stated as follows :—

" That the Police should not be used as an agency for the record " of any evidence, confession, inquest, or the like ; but a system of " keeping faithful, accurate, and minute diaries should be maintained. " These diaries should specify, concisely, but in detail, all duties in which " any Police Officer may have been engaged, and every occurrence and in- " formation that may have required the attention of the Police within " their respective ranges. All Police Officers engaged in specific detec- " tive duties should keep an accurate and minute diary of every step " taken, and every information obtained in following up the clue of evi- " dence. Such diaries should be Police documents only, and be sent " to the District Superintendent, but should be open to the inspection " of the district officer."

Now he need hardly tell the Council that not dissimilar propositions were contained in the Criminal Procedure Code as it now

stood. It prohibited the taking of evidence in detail. It prohibited the record of confessions, and it declared expressly the use which should be made of the information obtained by the Police.

Substantially there was no difference between the rules of the Code of Procedure and the views of the Commissioners, but the enquiries of the Police would not be regulated by this Bill, but by such arbitary bye-laws as might be from time to time framed. He had already referred to the power to be exercised by Magistrates. He would read what the 67th proposition stated. It was as follows :—

"That the Police should send to the Magistrate all such reports as "he may require regarding Crime and Criminal Administration. But "the Magistrate ought not to require more reports, &c., than are "absolutely necessary."

If the Magistrate was to be allowed to call for any report he pleased, he (Mr. Sconce) thought that such a power was inconsistent with the declaration that the principle of the Bill was that the Magistrate should not interfere with the Executive Police functions. He thought that there was a great deal to be said on both sides. He would repeat that he rather inclined to the separation of executive from judicial functions, and he might adopt the clear and exact description of executive duties recorded on the 30th April 1857 by the Honorable and learned Vice-President as a Member of the Government. It was not therefore that he objected by any means to the separation of the two functions, but at the same time he felt, as the Commissioners seemed to feel, that much difficulty would be experienced in bringing the change into practical and consistent operation. Many Officers entertained great doubts as to so entire a change, and the better plan, he thought, was to adopt some middle course as suggested by the Commissioners. He might refer to the authority of the late Lieutenant-Governor of Bengal. In his well-known Police Minute, Sir Frederick Halliday expresed a totally different opinion from

the asserted principle of this Bill. In the 49th paragraph of this Minute, Sir Frederick Halliday observed as follows :—

"There is, however, an opinion which has found favor with some "persons of just weight and authority in matters of this kind, and "which has indeed a certain plausibility which tends to recommend it "to many, and especially to those whose experience or whose mode of "thinking has been derived from European rather than from Oriental "habits, against which I am especially desirous of raising my testimony "in this place, the rather, perhaps, that in the days of my smaller ex- "perience, I myself have held and advocated the opinion which I now "very heartily condemn. The opinion to which I allude is this, that "Magistrates of every degree should be debarred from all judicial "powers, and should have nothing but the executive duty of preventing "and detecting offences, and that separate judicial functionaries should "always receive and try cases of every kind committed to them by the "Magistrates of various degrees. Thus it is, I believe, contemplated "by some advocates of this system, that, at or near every place at "which a Deputy Magistrate is stationed, there should be a moonsiff, "or a sudder ameen, or a judicial officer of some corresponding class, "to try all cases sent to him by the Deputy Magistrate; and that, in "the same way, all cases coming before the Zillah Magistrate, whatever "their nature and importance, should be sent for trial to a judicial "officer at the Zillah station, Native or European."

He would not detain the Council by reading at greater length the views recorded on this point by the late Lieutenant-Governor of Bengal; but he thought it important to refer to the opinion expressed by a person of so great authority and experience as Sir Frederick Halliday, as some ground for hesitating to prematurely adopt the principle which by this Bill we had been asked to sanction.

Upon the whole, therefore, he would not oppose the second reading of the Bill. He accepted the second reading, but under great doubts as to the course to be followed. He felt that every thing which trenched on the Penal Code and the Code of Criminal

Procedure should be omitted. He heartily approved of it so far as it proposed to re-organize and reform the constitution of the Police, and to treat the whole Police as one body, not as now, as the Police of each district and each thannah separate from the Police of another. At the same time he wished it to be understood that he did not accept the second reading of the Bill in the full sense of making an entire separation between the executive and judicial functions of the Police. Even the Commission did not ask us to do that.

Sir Barnes Peacock said, he agreed in the remarks which had fallen from the Honorable Member for Bengal with reference to this Bill, so far as they related to the Penal Code and the Code of Criminal Procedure. It appeared to him (Sir Barnes Peacock) that, when we should have these Codes in operation, there would be no necessity of having similar provisions in another Act. But that should not prevent us from passing the second reading of this Bill. At the time that the Madras Police Bill was brought into and passed by the Council, the Code of Criminal Procedure was not in such a forward state as to be passed. To enable the Madras Government, therefore, to establish a Police on the principle provided by this Bill, the Council were induced to allow the introduction into the Madras Police Bill of provisions similar to those contained in the Code of Criminal Procedure. Whereas, had the Code of Procedure been passed, he for one should have objected to the passing of the Madras Bill with the Sections in question. He thought it very impolitic to have two Acts declaring the law on the same point. If this Bill should pass the second reading, and be referred to a Select Committee, as the Code of Procedure would probably be passed before this Bill was reported on by the Committee, it would be easy for the Committee to omit all the Clauses relating to procedure.

As to the principle of separating the judicial and executive functions of the Police, he (Sir Barnes Peacock) could not agree

with the Honorable Member for Bengal. He (Sir Barnes Peacock) had always been of opinion that a full and complete separation ought to be made between the two functions.

For these reasons he should support the Motion for the second reading of this Bill.

Sir Bartle Frere said he was very much indebted to the Honorable Members who had spoken for the spirit in which they had received this Bill. He would only briefly reply to the observations of the Honorable Member for Bengal and of the Honorable Member for the North-Western Provinces. First, with reference to what had fallen from the Honorable Member for the North-Western Provinces, he (Sir Bartle Frere) would remark that he should also have been glad if longer time could have been afforded for the consideration of the Bill before the Motion for its second reading. His reason for proposing this Bill for a second reading before the vacation was two fold—*first*, as had been observed by the Honorable Member for Bengal, the Bill was an old friend with a new face. In its main principles it was identical with the Madras Act, which had been passed last year, and which had been found to work so well. And, *secondly*, the matter was one of exceeding pressing moment, as he trusted he should be able to satisfy the Council. He would beg the Honorable Member for the North-Western Provinces to recollect that the Bill in its character was strictly permissive, and that no Government was obliged to adopt it until it was satisfied that the time had arrived for its adoption. He need not remind the Council of the necessity for this, when it was considered that, unless we had our executive machinery in order for carrying out the plan, it would be vain to adopt it, and that the organization of such machinery was necessarily a work of time.

The Honorable Member for the North-Western Provinces also referred to the opinions of several old Officers, who entertained

doubts as to the principle of the Bill. They considered it suited well enough to England and Ireland and to the Presidency Towns, but not to the Mofussil. He (Sir Bartle Frere) would ask whether this objection was not met by an enumeration of the distant Provinces in which such a Police had been tried and had been successful. The principle had been put in practice in Oude, in parts of the Bombay Presidency, in Sind, and in a great part of the Madras Presidency. It had also been tried at the three Presidency Towns, which, he stated on Saturday last, had taken precedence of all others in point of time as far as related to Police reforms. He did not think that a better place could have been selected for the trial than Oude, with a view to test the adaptability of such a Police to the Mofussil, and the result was, that the Oude Police had been entirely successful in all those points in which this Bill was concerned. He did not refer to the particular link at which the connection between the Police and the general Government was effected in Oude. But so far as the repression of crime and the giving the Executive Government a thorough hold over the criminal class of the population were concerned, the Oude Police had proved eminently successful. The principle had been applied in the greater part of the Madras Presidency, where the population was more sparse, and where in parts the people were far more difficult to control than in Bengal. He thought therefore that it could hardly be said that such a Police as was provided for by the Act was unadapted to the Mofussil, however suited it might be for the Presidency Towns.

The Honorable Member for Bengal had said that the Bill was not altogether a Police Bill, but that it trenched upon the Penal and Criminal Procedure Codes. Concurring generally in what we had heard from the Honorable and learned Vice-President, he (Sir Bartle Frere) would be quite ready hereafter to adopt the course which the Honorable and learned gentleman had suggested, although this could not have been done at the time this Bill was framed, as neither of those Codes was then in existence. But the

Honorable Member for Bengal seemed a little hard to please. When certain provisions in the Bill were borrowed from the Criminal Code, he complained that the framers of the Bill had stolen his thunder; and where provisions were omitted in the Police Bill, which were contained in the Code of Criminal Procedure, he still complained that we had not adopted the provisions of the Code. In either way, he (Sir Bartle Frere) was ready to meet the views of his Honorable friend, either to omit from the Police Bill provisions contained in the Codes, or to borrow from them such provisions as might be necessary to make this measure complete.

The Honorable Member for Bengal next complained, that all that had been done of late years to improve the Bengal Police had been ignored. He (Sir Bartle Frere) thought he stated last Saturday clearly and distinctly what had been done in the matter in Bengal. Nothing was farther from his wish than to ignore what had been done in Bengal in the way of raising salaries and multiplying officers of trust. But if he could have gone more fully into the matter, he should have shown that beyond this what had been done was not altogether in accordance with the principles of this Bill. What was done was simply to superadd to the existing Rural Police, with all its vices and defects, certain semi-Military bodies imperfectly disciplined and very inadequately under the control of the Government. They were a loose and cheap and not a very good copy of the old Native Army, and performed no real Police functions, except those of a protective or repressive kind, for which the Native Army used to be employed. They were, in fact, copies of the Punjab Police Corps. In speaking of these Punjab Police Corps on Saturday last, he had strongly expressed his sense of what we owed to them for their services during the mutiny. He (Sir Bartle Frere) believed it was quite impossible to exaggerate the value of such services. But they were services rendered as a Native Army, not as a Police; and as a branch of Police there was no doubt that these Corps were very expensive and not efficient when their few Police functions were

compared with their cost. Now it was a principle of this Bill that Military duties should remain in the hands of the Military Officers of Government, and that there should be no Military or semi-Military body not directly responsible to the Commander-in-Chief of the Army, a principle on which alone it might be said that the Army could be expected to stand.

The Honorable Gentleman then adverted to the probability of the large expenditure which would require to be incurred, in order to give effect to the proposed measure in the Provinces of Bengal. He (Sir Bartle Frere) thought that in this matter the Honorable Gentleman rather anticipated the function of the Executive Government. It might be said to be an impossibility to give a good Police to Bengal without additional expenditure. It was an expense however which the Government must face and provide for. Bengal had been worse provided for as regarded a Police than other parts of the country, and the Government of India felt that it owed a large debt to Bengal in this respect. Though the Honorable Member, reasoning from the analogy of Madras, expected that the additional cost in Bengal would be about 57 lakhs, he (Sir Bartle Frere) had no apprehension that the actual expense would be so large as that, since a dense and peaceful population like that of Bengal was necessarily less expensive in the matter of Police than a country more thinly inhabited and peopled by some very unruly races like Madras.

The Honorable Member for Bengal then argued at great length in support of his opinion that, while he approved of the proposed organization of the Police, he disapproved of the Bill so far as Procedure and the Penal Clauses were concerned. On this point he (Sir Bartle Frere) had already said that he was ready to leave the matter to be considered in Committee. But his Honorable friend went on to say that, though the separation of the Judicial and Police functions was a principle of the Bill, and one of which he (Mr. Sconce) fully approved, it was not the aim of the Commis-

sion, and he quoted their 24th and 28th propositions as at variance with the principle. In reply to this charge, he (Sir Bartle Frere) would remind his Honorable friend, that it was one thing to lay down a principle, and another to act upon it at once and entirely, when it was opposed to the existing system, to all existing forms of procedure, and to prejudices of long standing. Under such circumstances it was often necessary to come to a compromise. In England Police Reforms were commenced in the time of Henry III., and the subject was very vigorously taken up in the time of Elizabeth, but little effectual was done until the time of Sir Robert Peel. It took a very long time to carry out the principle of a Police force separate from and independent of the Judicial Magistracy in the Metropolis, and now, though more than thirty years had passed since the principle had been recognized by all the great authorities and by public opinion in England, it had not yet been fully extended throughout the United Kingdom. But every year some progress had been made, and he hoped that at no distant period the principle would be acted upon throughout India as completely as his Honorable friend could desire. The Honorable Member for Bengal had called this Bill a half and half measure. He (Sir Bartle Frere) could assure the Honorable Gentleman that nobody was more inclined that it should be made a whole measure than he (Sir Bartle Frere) was, and he should be very glad if his Honorable friend would only induce the Executive Governments to give it their support, so as to effect a still more complete severance of the Police and Judicial functions than this Bill contemplated. The Honorable Gentleman, however, rather disappointed us at the conclusion of his speech, by throwing out doubts as to his own entire concurrence in this principle of the Bill, by quoting the authority of the late Lieutenant-Governor of Bengal as in favor of a different principle. He (Sir Bartle Frere) had every respect for that able administrator; but before he pinned his faith upon anything said on such a subject by any body in India, he should wish to know the precise circumstances under which that opinion was given and also the time when it was given. He would

remind the Honorable Gentleman that in this matter opinion was progressive, and he would ask him to point out any man whose opinions on the subject had not undergone considerable changes during the past twenty years.

He hoped that he was wrong in drawing the conclusion from the Honorable Gentleman's remarks, that he recommended we should do nothing in this matter. He (Sir Bartle Frere) thought that this was a subject which imperatively called for immediate action. He might refer his Honorable friend to the authority of Sir Robert Peel and of all other English Statesmen of modern days, and not the least among them to our late lamented colleague, Mr. Wilson; but lest he should say that these were merely English opinions, he would refer him to the authority of Sir Geroge Clerk, who was better qualified than any man he knew by his long official experience both in English and in Indian public life, and by his intimate acquaintance with the manners and customs of the people, to speak on the subject. He would refer him to the authority of that great soldier and statesman, Sir Charles Napier, of Sir Charles Trevelyan, and, though last yet not least, of the present Lieutenant-Governor of the Punjab. His Honorable friend (Mr. Harington) seemed surpised at his appealing to the Lieutenant-Governor of the Punjab, and he (Sir Bartle Frere) believed that Sir Robert Montgomery had expressed pretty freely his opinions on this matter, putting his Honorable friend the Member for the North-West on his guard against what he had expected would be the recommendations of the Police Commission. But the Report of the Commission was not then before him, and he (Sir Bartle Frere) had such confidence in the impartial judgment of that able administrator, and in the soundness of the general principles of the measure, that he was quite willing to leave the decision of the matter to him. If after full consideration of all the documents on the subjects, his opinion should be that the measure was inapplicable to the Punjab, he (Sir Bartle Frere) was assured that such inapplicability would be found to be due only to temporary and local circumstances.

But the greatest argument after all in favor of the measure was the financial argument. He would not repeat what had been lately said by the Secretary of State in Parliament, and by Mr. Wilson so often and so forcibly in that Council. Honorable Members were well aware that we had a large deficit to meet, which we could not do unless we made large reductions in our Civil expenditure, and the only portion of that expenditure which admitted of much immediate reduction was that on account of the Police. It was only by giving each Presidency a Police as efficient but less costly than it now possessed, that we could bring down our expenditure to a reasonable extent. We must remember that in this matter the necessities of Government were imperative. We must cut our coat according to our cloth. If we could have but one body to do a duty which had heretofore been performed by two bodies, the saving of expense was obvious.

The Motion was then put and carried, and the Bill read a second time.

No.

FORT WILLIAM.

HOME DEPARTMENT.

JUDICIAL.

The 17th August 1860.

RESOLUTION.

THE Governor-General in Council deeming it expedient that a comprehensive enquiry should be made into the existing constitution of the Police establishments throughout British India, with the view of ascertaining in what way they may be most effectually improved, and also whether in any part of India the present expenditure on Police is susceptible of reduction, is pleased to

appoint the following gentlemen to be a Commission for the purpose of making such enquiry :—

Mr. M. H. Court, Bengal Civil Service (North-Western Provinces).

Mr. S. Wauchope, C. B., Bengal Civil Service (Lower Provinces).

Mr. W. Robinson, Madras Civil Service.

Mr. R. Temple, Bengal Civil Service (Punjab).

Lieutenant-Colonel Bruce, C. B., Bombay Army, Chief of the Police, Oude.

Lieutenant-Colonel Phayre, Commissioner of Pegu, will also be a Member of the Commission as long as he remains in Calcutta.

Mr. Robinson, whose duties will probably require him to return shortly to Madras, will continue to be a corresponding Member of the Commission, and should be consulted by letter on all questions of principle which may come before the Commission after his departure from Calcutta.

The objects of the Police Commission will be—

I. To ascertain the numbers and the cost of all Police and quasi-Police of every description at present serving in each province throughout the British Territories in India, who are paid by Government from the general revenue.

II. To suggest to Government any measures whereby expenditure may be economized. or efficiency increased, in the existing Police forces.

1. With a view to ascertain the numbers and the cost of the existing Police, the Police Commission should, in the first instance, put itself in communication with the Military Finance Commission, and obtain from them all the information which, in the course of their investigations, they have collected on the subject, and also any aid that they may be able to give, with a view to complete the enquiry into the cost of the Police.

The result aimed at by the Commission should be to embody in one view a statement of the numbers and the cost of every body of Police, Military and Civil, and under whatever name it may be serving, which is employed within British Territory in India (excepting only the Police employed within the jurisdictiou of the Supreme Courts), and which is paid directly or indirectly by the British Government, and which is not under the orders of the Military Officers subordinate to the Commander-in-Chief. The statement should show the character and constitution of each body, —how organized and how armed and equipped,—to whom subordinate, and on what duties employed. The statement should also include all civil guards and burkundauzes, chaprassies and other orderlies—by whatever name designated in different parts of India —who are attached to the courts and treasuries, or to the persons of the district civil authorities, judicial and executive, from the highest to the lowest, or who are employed in the collection of the revenue.

The statement of cost should include arms, accoutrements, and clothing—the total charge to the State, Military as well as Civil, of the officers employed—the average charge on account of pensions, gratuities, &c.; in short, should give, as accurately as possible, the true charge of each body upon the public revenue. Care must be taken, however, not to include charges of a purely judicial character, such as the salaries of the Police Magistrates in the Bombay Presidency. Where a salary is received for the discharge of duties which are partly Judicial and partly Police, this should be noticed.

In order to complete the information which it is desired to collect, and having regard to the circumstance that in several parts of India the establishments for guarding the jails form part of the general Police arrangements of the province, there should be given in a separate statement the total charges of all jails, including jail guards, showing the cost of each jail and the average number of prisoners it contains, the details of cost in general terms, how the prisoners are employed, and what return is obtained from their labor.

Where the jails have guards specially entertained, the exact cost will be given in this statement,—where the jail guards are provided from the Police or from any general corps of station guards, the cost of which is included in the first statement, the estimated share of the cost of the Police, or of such general corps debitable to the jail, should be shown, with a note, that it is already included in the statement of the numbers and cost of the Police.

II. Under the second head of their enquiry, the Commissioners will report any alterations in system which they consider likely to increase efficiency, or to diminish expense.

The general objects to be kept in view as desirable in a perfect and economical Police, are briefly stated in the annexed Memorandum. It is not, however, to be understood that this is meant as a model to be followed strictly. It is simply intended that, keeping in view such a Police as is therein described, the Commission should suggest any changes which, with reference to existing circumstances and the wants of the various divisions of the Empire, as stated by the local officers, may be regarded as practicable within some reasonably proximate period, and likely to conduce to ultimate economy or efficiency.

A Draft of a Bill on the model of Act XXIV. of 1859 (the Madras Police Act) may be submitted to Government, empowering

the local Governments to give effect to any such reform as they may desire to carry out in furtherance of the suggestions of the Commissioners. The Bill may be conveniently drawn as applicable, in the first instance, to a particular province—as Oude, or the Punjab, or Sind,—but it should be framed so as to be capable of extension to other parts of the country by proclamation.

The Governor-General in Council thinks it very desirable that the Commission should forthwith select and print such public papers relating to Indian Police as may serve to show the results of former enquiries, and the principles already laid down by the Home Authorities and the Government of India, thus forming a useful guide to the starting point whence present enquiries and reforms should commence.

The several local Governments and Administrations will be requested to instruct the officers subordinate to them to furnish promptly any information or assistance which the Commission may require from them.

MEMORANDUM.

The characteristics of a good Police for India are—

I. That it should be entirely subject to the Civil Executive Government.

This rule would exclude from the Police all local corps under the orders of the Military authorities, such as were formerly some of the so-called Police corps in Bombay, and some of the present Punjab Police.

It would also require a change in the rule which, as formerly in Madras and Bombay, gave the control of the Police to a judicial body—the Circuit Judges in Madras, and the Sudder Foujdaree Adawlut in Bombay.

In a Non-regulation Province this rule would point to the necessity of the Police being under the Civil Commissioner, or other head of the Executive Government, rather than under the Judicial Commissioner, or other substitute for a Court of Appeal.

II. The duties of Police should be entirely Civil, not Military.

The line which separates the protective and repressive functions of a Civil Police from functions purely Military, may not always, in India, be very clear, especially in the vicinity of a frontier; but it may be laid down as the duty of a Civil Police to protect the community against all local criminal classes, including thugs, dacoits, &c., and to put down all riots and local disturbances. But when, from disaffection, or other cause, not local or temporary, the disposition to break or defy the law extends to persons not belonging to any local criminal class, when riot becomes rebellion, or the breakers of the law are, wholly or in part, strangers to the district, and when from such causes, the Police of ordinary peaceful times, aided by a temporary special Constabulary (burkundauzes, &c.,) becomes unable to meet the exigency, then the functions of the Civil Police should end, and the task of protection or repression becomes a Military duty, and should be entrusted to purely Military bodies.

Hence it follows that bodies whose duties are mainly to prevent rebellion, or external invasion, and who have few, if any, purely Civil functions to perform, like many of the Punjab Police corps, are Military bodies, and not properly Police; that they should not be mixed up, even in name, with the Police, nor be charged to Police account.

It also follows that the Police should be no stronger than is needed for purely Police purposes, and that they should not be maintained in time of peace at a strength which can only be needed in time of rebellion or invasion;—it being understood, however, that a

reserve should be kept up at some head quarters, to be available against sudden local outbreaks.

This corollary would further reduce the force of Police corps in the Punjab and elsewhere.

The escort of treasure or prisoners, the guarding of civil jails, and the duty of furnishing escorts to Civil Officers in time of peace, are civil duties, and the Police should be strong enough to undertake them.

III. The functions of a Police are either protective and repressive, or detective, to prevent crime and disorder, or to find out criminals and disturbers of the peace. These functions are in no respect judicial.

This rule requires a complete severance of the Police from the judicial authorities, whether those of higher grade, or the inferior Magistracy in their judicial capacity. When, as is often the case in India, various functions are often combined in the hands of one Magistrate, it may sometimes be difficult to observe this restriction, but the rule should always be kept in sight, that the official who collects and traces out the links in the chain of evidence in any case of importance, should never be the same as the judicial officer, whether of high or inferior grade, who is to sit in judgment on the case.

This rule will prevent Police Officers from taking down confessions to be used subsequently as evidence—this being a judicial process of great importance.

It ought, in fact, to prevent any policeman from taking down in writing any deposition of a witness. The Police should be confined to catching the malefactors and procuring the attendance of witnesses, leaving it to a perfectly distinct agency to examine the witnesses, and take down in writing their depositions.

It may sometimes be difficult to insist on this rule; but experience shows it is not nearly so difficult as would be supposed, and the advantages of insisting on it cannot be overstated. It follows from this rule that Police Officers should never be habitually employed as Assistants to the Magisterial Officers to try petty miscellaneous cases, &c. The Police Officers may often, with advantage, try their own men, and they should always have power to do so; but, though empowered, they should never be required to take up any other judicial duty. They should be left entirely free to devote their undivided attention to the discipline of their men, and to their proper Police functions, in detecting or preventing crime.

IV. The organization of the Police must be centralized in the hands of the Executive Administration.

The great problem of Police arrangements is how to reconcile this rule with the preceding one, that the Police should be distinct from the judicial agency; because, in all parts of India, but especially in what are called Non-regulation Provinces, the Executive and Judicial functions are united in the same hands in all public officers, from the lowest to a very high—often to the highest grade.

The working Police, having its own officers exclusively engaged on their own duties in preventing or detecting crime, the question is, at what link in the chain of subordination, between the highest and lowest officers in the executive adminstration, is the Police to be attached and so made responsible as well as subordinate to all above that link in the chain? The great object being to keep the Judicial and Police functions quite distinct, the most perfect organization is, no doubt, when the Police is subordinate to none but that officer in the Executive Government, who is absolved from all Judicial duty, or at least from all duty involving original jurisdiction, so that his judicial decisions can never be biassed by his duties as a Superintendent of Police. This was the case in Sind, and latterly, in Bombay. It was the original plan for the Oude Police, though

latterly the link of subordination has been fixed lower in the scale, at the district instead of the divisional officer; and, so far, the existing organization in Oude is less perfect than was intended, as a district officer will now often have to decide cases judicially, in getting up the evidence of which he has taken a very active personal part as Superintendent of the District Police. It is difficult to lay down any more definite rule as to the exact point where the subordination should commence, than by saying that it should be so arranged, that an officer should never be liable to try judicially important cases got up under his own directions as a Police Officer.

No particular class or grade of officers can be named, because the same name often indicates different functions in different parts of India, and a variety of local circumstances often alters the relations of officers which would otherwise correspond, *e. g.*, the Deputy Commissioner of Oude or the Punjab corresponds generally in position and functions with the Magistrate of other parts of India; but the Magistrate of one of the larger Zillahs in Madras or Bombay has as large a charge as a Commissioner in the Punjab or Oude; one is as large, and several are half as large as the whole Province of Oude.

In such large charges the chance of the Magistrate having to try cases got up by himself are, of course, infinitely less than even in a Commissioner's charge in the Punjab or Oude.

For the decision, therefore, of this most important question, as to the precise link where the subordination and responsibility of the Police should commence, no one rule can be laid down. It must be decided, in each province, according to local circumstances, bearing in mind the great object that no man should be liable to try important cases judicially which have been got up under his own superintendence.

This raises the question, who is to be responsible for the peace of the district?

Clearly that officer, whoever he may be, to whom the Police are immediately responsible. Under him, it is the duty of every Police Officer and of every Magisterial Officer, of whatever grade, in their several charges., to keep him informed of all matters affecting the public peace, and the prevention and detection of crime. It is his duty to see that both classes of officers work together for this end, and as both are subordinate to him, he ought to be able to ensure their combined action.

The exact limits of the several duties of the two classes of officers it may be difficult to define in any general rule; but they will not be difficult to fix in practice, if the leading principles are authoritatively laid down, and, above all, if the golden rule be borne in mind that the Judicial and Police functions are not to be mixed up or confounded; that the active work of preventing or detecting crime is to rest entirely with the Police, and not to be interfered with by those who are to sit in judgment on the criminal.

Another question, for which no general rule can be laid down, and which can only be decided by a consideration of all local circumstances, is, where is the centralization to stop? What is to be the size of each centralized area? If the area be too small, combined action becomes difficult, and organized crime, such as thuggee or dacoity, cannot be properly dealt with. If, on the other hand, the area be too large, the centralization becomes nominal; it is not really felt at the extremities, except to paralyze action. This question must be decided, in each case, according to local circumstances. The natural boundaries of the district, which limit the intercourse of the people with their neighbours, boundaries of language, facilities of communication, and the like, must all be considered. As a general rule, no officer should have a larger charge than he can visit at least once in every year, if his duties are to superintend other superior officers; below this, each officer's area should decrease with his rank, till those in immediate charge of the Constabulary of any one district ought to be able to reach

any Police post at a stretch within the day. Beyond this, there is no use in multiplying European Officers, except for special charges, such as large cities or head quarter stations.

This would limit the area of centralization to Provinces of which the principal stations could be visited once annually by the Chief of Police. The Police should form a separate Department of Government in each Presidency and in the Government of India; but no attempt should be made to centralize action beyond the limit above assigned, which would be nearly equivalent to a rule that no Police Officer should receive orders from any one whom he did not see at least once a year. The control of the Government of India should be confined to general principles, and to such other general supervision as may enable that Government to preserve some uniformity of practice, and due proportion in the amount of expenditure allowed.

It follows from Rule 2, which lays down that all duties of Police are of a civil character, that the term "Military Police" involves a contradiction, and ought, therefore, never to be used—probably the term "Organized Police," or "Constabulary," would best indicate wherein a reformed Police differs from the bodies it is intended to supersede.

But though none of its functions are other than Civil, it may be laid down as a rule that

V. The organization and discipline of the Police should be similar to those of a Military body.

The organization of every Police body should be Military, so far that every man's rank in the force should be an unerring index to his position and duties, and show at once who is to command and who to obey.

The discipline should be Military as far as regards regularity, implicit attention to all orders, and punctuality in all duties; and

as far as may be necessary to ensure cleanliness and uniformity, both on or off duty.

As regards drill and parade-discipline, it should never exceed what is necessary to enable the Police to deal with large masses of non-Military men. The Police should be able, when in bodies, to form line and column, and to change from one of those formations to another—to change front, and to march at various rates by order—to use the weapons furnished to them effectively, *e. g.* to go through the manual and platoon exercise with a musket and bayonet, and to do duty with Military precision, as sentry.

Where any thing more than this is required, regular troops should be called in, and if much more than this is attained, it may be taken as a tolerably conclusive proof that the Police is stronger than is needed for purely Police purposes, and may be safely reduced.

VI. The appointment and dismissal of every Policeman should rest with the European Officer to whom he is immediately responsible.

As regards Policemen below the rank of an officer, no appeal or confirmation should be allowed from the orders of the European Superintendent of the district, except in the case of men who have served a certain time in the force—say 10 years. The cases of such men and of native officers of all ranks should be referred for confirmation to a superior officer higher in rank than him to whom they are immediately responsible. But even in such cases the final order should always be that of the Officer to whom the Policeman is responsible.

All fines and stoppages of pay should be regularly and periodically reported in such a form as to enable the Superintendent of Police to judge of the propriety of the punishment.

VII. The Police must be divided into various bodies differently armed and equipped, according to the different kind of work required of them.

Some of these divisions will occur as of almost general application—there will be, *e. g.*—

1*st.*—A Foot Police—to a great extent protective, to provide guards for jails and treasuries, escorts for treasure, &c., and to form the main body of the Police, from which men for every kind of duty will be drawn as occasion requires.

2*nd.*—Mounted Police—men on horses or camels, according to the nature of the country, will generally be of a class superior in station and intelligence to the Foot men, and will be employed, not only on duties requiring quicker locomotion, but on duties of greater trust and responsibility. They may be again of various classes from that which furnishes our irregular cavalry, down to men mounted on the ponies of the country and paid accordingly.

It is clearly impossible to lay down any general rule as to the equipment or mounting of policemen, which shall be applicable to all India. In the swamps of Assam, and forests of Pegu, the policeman must know how to manage his elephant; in many of the deltas and coast back-waters he will have to trust to boats; in the deserts to camels; in some parts of the country a horse will be indispensable; in others it will be useless. All these varying circumstances must be provided for as occasion arises.

VIII. The pay of the Police must vary according to time and place, but it may be laid down as a general rule that it should always be sufficient to give the foot policeman something more

than the highest rate of wages for unskilled labor, so as to ensure Government having the choice of all the class to which unskilled laborers belong, thus securing the best and most respectable of that class for the Police. The pay of mounted policeman, and of the superior grades, will, of course, be higher according to their expenses and rank.

This rule will be modified in some districts where the Police are generally drawn from some particular class of the community. It would also be modified where they are paid wholly, or in part, by grants of land; but the general rule to be observed is, that the policeman should get, as pay, rather better wages than he would otherwise make by his industry, so that simple dismissal from the Police may always be a substantial punishment.

This is the best pecuniary guarantee for his honesty and efficiency. This rule is incompatible with the present too general practice of paying Policemen wages, notoriously insufficient for their subsistence, leaving them to make up the difference by peculation.

IX. The Police should always have a uniform dress.

It need not vary more from the usual dress of their class than is sufficient to mark them as public officials on duty, without anything peculiar to catch the eye, or to feed the vanity of the wearer. In most part of India uniform colors, in the various parts of the usual national costume, will be quite sufficient as a distinction.

X. The arms of the Police must vary according to their duty.

In a generally peaceful and unarmed population, a truncheon will be sufficient. Where there is a chance of their often having to deal with armed or desperate men, they may require cutlasses, or muskets and bayonets. It must depend on local circumstances

whether these are to be always carried, or only occasionally, and on peculiar duty.

The exact nature of the arms will also vary, and in peculiar localities and among peculiar classes, peculiar weapons (the Ghoorka kookree for instance) may be allowed.

XI. The direction of the whole interior economy of the Police must rest exclusively with the Officers of Police.

The Police must be, in Scotch phrase, "self-contained." Every man will be subordinate to the Magisterial and Judicial Officers of the district, according to their rank, and the duty on which they are employed; but neither directly responsible to, nor dependent on, any but his own officers, through whom he is responsible to the head of the Civil Executive Government. The words "subordinate," "responsible," and "dependent," are here used in their strict sense, and not as convertible or synonymous. On all matters relating to the detection or prevention of crime, every policeman will, as a matter of course, obey all orders he may receive from any Magisterial Officer to whom he is subordinate; disobeying at his own peril, but being responsible for such disobedience only to his own officers.

Such responsibility will be enforced, in case of neglect by his immediate superior, through the common superior of all, the head of the Civil Executive Government.

It follows as a necessary consequence, which needs no illustration, that—

XII. There cannot be more than one Police in one locality.

There cannot be one Police under the Superintendent of Police, and another more or less under the Magisterial or other Civil officials.

An apparent exception may exist in the case of Railway Police; but it ought to be only apparent, as the status of the Superintendent of Railway Police should always be that of a Deputy to the Superintendent of a district *pro hac vice* with his duties confined to a particular defined locality, *i. e.*, the line of Railway, and the ground in the occupation of the Railway Company.

The Village Police will be no exception to this rule, as far as it is a real Police body, kept up at the expense of the State; but it must never be forgotten that in many parts of India the State bears but a very small portion of the expense of the Village Police, which is, in a great measure, a purely municipal body, paid by the village community.

It must be also borne in mind that the village watchman in many parts of India is paid by the local community for numerous duties little, if at all, connected with the Police.

In deciding, therefore, what authority the district chief of Police should assert over the Village Police, it will be necessary to enquire how the latter are paid? to what extent they are paid by the State, as distinguished from the local community? and what duties, other than Police, do they discharge?

It must also never be forgotten that the Police duties of the regular stipendiary Police are their entire daily and perpetual duty, whereas in ninety-nine out of a hundred cases the real Police duties of the Village Police recur only occasionally, at intervals of, it may be days, or even weeks and months, and that when the village watchman, however selected, paid or drilled, is dealing with a crime, (which occurs in his village once perhaps in series of years it may be once only in a life-time,) it is vain to expect the same sort of aptitude which may be reasonably looked for, in the most ordinary professional policeman.

The great value of the Village Police, as an adjunct to the general Police, is the local knowledge of persons and habits which they possess. Their general mode of life, and the form in which they receive their remuneration, enable them to know all that goes on in the community. This knowledge can often, perhaps usually, be turned to useful account by the general Police, better through the head of the community, the village headman or zemindar, than by any direct action.

But it may be laid down as a rule, that no Village Police, however managed, or however useful as a supplement, can ever be an efficient substitute for a general Police for any but village purposes.

As regards the classes whence the Police are to be drawn, it may be laid down as a rule that—

XIII. Where practicable, they should be drawn from the country in which they serve.

There will, however, be many exceptions—

In a newly acquired territory, it may be necessary to have a large proportion of the protective Police, foreigners—but this necessity ought annually to diminish.

There are said to be cases in which the natives of the country are utterly unfitted ever to make good Police. This may be the case, but proved instances of it are certainly rare, and probably the materials of a Police, as good as is practically obtainable for any given community, are always to be found on the spot, if properly used, trained, and taught, for which purpose a number of foreigners may often be necessary at first, as instructors and leaders.

For European Officers the best men procurable should be secured, and there should be nothing between them and their men, but native officers well selected and well paid.

No European Constables or Non-Commissioned Officers should ever be allowed, except at sea-ports and large Military stations, where they are required to deal with Europeans.

As regards the numerical strength of the Police, no rule can be laid down which would be a guide with reference to either area, population, revenue, or character of the country and people—taken singly. All these circumstances must be considered together. It may be laid down as a general rule that a policeman, if a well paid, should be also a hardly-worked official, and if either the individual policeman lead an easy life; or the reserves are large enough to be over-drilled and to play at soldiers, it may be safely concluded that the Police are too numerous for the duty they are required to perform, and that their numbers may be reduced.

These are the tests which may be applied to the various Police bodies in India, with a view to ascertain how closely they approach perfection. The numbers and cost of each body should be considered with reference to the area of British Territory it is required to protect, the land revenue of that territory, and its population; and wherever the Police are found much above or below the average, in either number or cost, the cause, if any, should be ascertained, with a view to retrench what may be superfluous.

It may not be always possible to retrench such superfluity: the enquiry may, in some cases, end in a mere transfer of charge from Police to Army, but it will be ascertained what is being paid for real Police purposes, what is got for the money—and what further is required.

After all, it must be remembered that no Police can be made perfect by simple organization. A sound system of organization is, no doubt, essential, but the character of the administration is the vital point. No Police system can be stereotyped for even a few years, and the best organization, which can be devised, will fail to attain its object, unless every care be taken to secure a pure and vigorous administration.

FROM

THE POLICE COMMISSION,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,

Home Department.

SIR,

WE have the honor to report that immediately on receiving the Government Resolution of the 17th August, regarding the constitution of Police Establishments throughout India, we proceeded to consider the matters therein set forth, and also the various principles embodied in the memorandum to which that Resolution gave cover.

2. The objects of those instructions appeared to be two-fold, namely :—

First.—That we should collect and collate information regarding all the existing Police Establishments.

Second.—That we should suggest reforms and improvements in general accordance with certain principles laid down.

3. In reference to the first division of the subject, we have collected all the information available at the Presidency regarding the existing Police Establishments, and we have made such references to the several local Governments as are necessary, in order to render the facts and figures correct in detail.

4. In reference to the second head, which appears to be one of major difficulty and importance, we deemed it very desirable to arrive at such decision as we are able to form, while two of our colleagues, (Colonel Phayre and Mr. Robinson, who are about to leave Calcutta shortly,) were still present at our deliberations.

5. After mature and careful consideration of the various matters involved in the question of Police organization ; after a review of the English and Irish systems of Police ; and after comparing the circumstances and requirements of the various provinces in which the experience of the several Members of our Commission has lain ; we have arrived at unanimous conclusions regarding the principles, system, and method, on which a good Police for all India should be organised. These conclusions we have embodied in a series of propositions ; we have also drafted an Act, which, in the event of these propositions being approved by Government, we recommend for submission to the Legislature.

6. We have now the honor to enclose a number of copies of the propositions and of the Draft Act, signed by all the Members of the Commission. We take this early occasion of submitting these documents for the consideration of His Excellency the Governor-General in Council ; because, as already stated, two of our colleagues are about to depart ; and, because, having advanced our proceedings to the present stage, we desire, for reasons to be stated hereafter, to be favored with directions as to the future conduct of our inquiries.

7. In framing our propositions, we have had due regard to the various principles set forth in the memorandum attached to the Government Resolution. We have noted the principles and system of the English and Irish Constabulary. We have derived great assistance from the experience of results obtained by the new Police of the Madras Presidency, and by the Calcutta Police. We have endeavored to devise a practical plan for a really effective Civil Constabulary for all India ; beginning from its original constitution and formation, and dealing with every point of essential importance. The propositions will, we hope, speak for themselves, and we shall not trouble the Government with a recapitulation of them in this letter. It may suffice here to state that our object has been to form a Civil Constabulary, so organized as to preserve internal tranquillity in the country under all ordinary circumstances, to

keep the peace, to protect life and property, to prevent and detect crime, to furnish guards for public property, for jails, treasuries and the like, to escort treasure, public stores, and prisoners; and to perform a variety of civil duties connected with the watching of *Military* buildings and Military stores and property, both in the station and on the road. We have proposed independent and separate departmental organization for this Police., completely suited to all the above purposes. We have suggested the substitution of this *one* force for *all* the various Police establishments, Civil and Military, now existing, as the only means of securing unity of action and system, and a real control, both departmental and financial. We have arranged for this force, being in all respects subordinate to the Civil Executive Government, and, for its being an efficient instrument in the hands of the Magistrate for the prevention and detection of crime, and, under his control, for the criminal administration of the district. We have aimed at placing the relations between the Magistrates and the Officers of the Police force on a satisfactory footing, and at preserving the responsibility now vested in the Magistrate for the conduct of the criminal administration; and, on the other hand, we have taken care to secure to the Police Officers that position which is necessary to the discharge of their responsibility for the efficiency of the Police.

8. We have endeavored to mark the line of definition between the duties of the Military forces and of the organised Civil Constabulary respectively. And we have aimed at the separation of Judicial and Police functions, so far as that principle can be practically carried out under existing circumstances in India.

9. We have been careful in the determining in detail of the various duties to be performed by the organised Civil Constabulary. We have consulted the Military Finance Commisssion on this subject, and we append a copy of their reply, in the whole of which we concur, and which we venture to commend to the consideration of Government.

10. The Draft Act we have drawn up on the basis of the British and Irish Constabulary Acts, so far as they are capable of adaptation to India. We have also consulted the Madras Police Act, and the Calcutta Police Act.

11. On the whole, we may state that the principles of the propositions and of the Act are provided on the English system, of which the success is becoming more and more apparent; and of which the operation is being more and more extended. We believe that they are applicable to all parts of the British territories in India, and especially to all the various Provinces of which our several Members have cognizance. And we are the more confident in the correctness of this conclusion, because this system has been actually tried in the Madras Presidency, with results the most beneficial.

12. We have also paid due consideration to the Despatch from Her Majesty's Government of the 6th July on the constitution of the Police. We have endeavored to test our propositions by the principles therein laid down, and in respect to this consideration, we desire to offer the following observations :—

13. From paras. 4 to 7 inclusive of Her Majesty's Government Despatch, we clearly gather that the Civil element in the Police should at least predominate. It is evident, indeed, that this condition is regarded by Her Majesty's Government as essential. In respect to this point then, we trust that our propositions will be found fully to provide for the fulfilment of that condition. We propose to form a purely Civil though well organised Constabulary, quite distinct from the Military force, subordinate to the Civil Government, and at the disposal of the Magistrates, capable of discharging *all* Civil duties whatever, as described in the preceding para. 9, with vigour and effect, and requiring no aid whatever from any Military or semi-Military body, in the performance of the ordinary Police work of the country.

14. It is obvious that a Police force, which is to do all this work really well, must be *thoroughly* organised. We have therefore

provided a complete Civil organization for the whole body, from the Inspector General to the common Constable. Further, we have been careful to provide a complete system of *supervision by European Officers.* The want of this, has, we believe, been one of the greatest disadvantages of the Civil Police system heretofore existing in India. We fully anticipate that, with this organization, and this supervision, the proposed organized Constabulary *will* prove, in a fair degree, competent for the discharge of the important duties to be entrusted to it as already described. It is certain that the proper performance of all these duties must be of daily importance to the welfare of the country and the happiness of the people; it is equally certain that these duties have not been, are not, and cannot be, efficiently performed by the *existing* Civil and Military Police. And we are confident that nothing short of such organization and supervision as that which we propose will suffice for the attainment of this most desirable object.

15. Regarding the matter then in a purely Civil light,—looking solely to the due performance of Civil work, irrespectively of all other considerations, we submit that an organized Civil Constabulary, such as that proposed, is absolutely necessary. Whether a Military Police be employed in addition to the Civil Police, or not; whether native troops are to be engaged during peace in Civil duties, or not; still, under *any* circumstances, an organized Civil Police will be required

16. If then such a Police be organized, as we believe it must be, then the question arises as to whether an additional Military Police will be necessary or desirable.

17. That such a Military Police will not be *necessary*, we can feel no doubt whatever. It is not found necessary in the Madras Presidency, and has not been employed since the formation of the organized Police. In the North-Western Provinces grave objections have been felt by many of the Civil authorities against the

Military Police.* In those Provinces their duties have been much restricted. In the Punjab, we believe, that the amalgamation of the Military Police with an organized Civil Constabulary has been contemplated. We have proposed that the organized Police should be properly drilled and disciplined; that their training should be continuously kept up, so that they shall be equal to all the duties of guarding treasuries and jails, and Military stores, performing, what are called, escort duties, and of quelling all ordinary disturbance, which, indeed, are the only duties for which Military Police is entertained.

18. That the retention of the Military Police, after the organization of the Civil Constabulary, shall have been completed, will not be *desirable*, we feel equally confident. It is obviously very expensive. It would cause a large number of men, who are virtually soldiers, to be maintained, and would add to the political objections which must always, in future, be felt, to attend the maintenance of a numerically large native force. The financial objection, too, which we have ventured to indicate, will apply with particular force to this case. For if the Civil Police Constabulary shall (as we fully believe it must) be efficiently organized, then a considerable expense must be incurred for the pay and the equipment of the men and, above all, for providing of European Officers to supervise and control them. Then the question presents itself, how is this expense to be met? If the Military Police can be reduced or gradually abolished, then the great saving hereby effected will be available as an off-set to the expense of organizing the Civil Constabulary. But if an organized Civil Constabulary and a Military Police are to be maintained, then the cost of both together would, we fear, be found excessive.

19. If, therefore, the organized Civil Constabulary can do the work of the Military Police, then there is every financial reasons,

* *Vide* Report by Agra Committee and Appendices.

independent of other reasons, for abolishing the Military Police or amalgamating it with the Civil Constabulary. Now, we believe, that an organized Constabulary *will* be able to do the work relating to guards and escorts, and the suppression of ordinary disturbance now done by Military Police. And in respect to Civil services required for the Military Departments, we believe that competent authorities are agreed that the organized Constabulary will fully suffice, and it certainly does so suffice in the Madras Presidency. Obviously, it is economical to substitute an organized Civil policeman for a Military policeman, who is a native soldier, if the former can do the work required to be done; inasmuch, even as a highly organized Civil Constabulary cost much less than a Military Police. Then it must ever be remembered that an organized policeman, though trained to arms, does not generally *carry* or *possess* arms. Politically, therefore, while he is more useful, he is less dangerous than a Military policeman, who is really a native soldier. If it be said that Military Police may be required for Military service, we would submit that this kind of service ought always to be rendered by the Military Forces, which we presume are, and will be kept up in sufficient strength for the Military requirements of the country. Indeed, the effectual separation of Military from Civil duties is a matter which the authorities, both Civil and Military, concur, in considering as one of primary importance; and which we have laid down as the basis of our propositions. Here again we would beg attention to the letter of the Military Finance Commission already alluded to.

20. In *fine*, then, we submit that, as soon as the Civil Constabulary shall have been organized, the Military Police will not be needed, either for Civil or Military purposes; that, if retained, it would be a cause of heavy and needless expense; and, in a certain degree, a source of political danger; that it should be gradually abolished or absorbed into the organized Constabulary, or else that, if required for Military purposes, it be incorporated with the Native Army. We trust then that, if the organization we have

proposed for the Constabulary shall satisfy the Government as to *all* requirements as already enumerated, the Military Police may hereafter be dispensed with.

21. We have particularly observed a passage in the 7th para. of Her Majesty's Government Despatch, to the following effect :— "They (the Civil Police) should be under the control of the "Magistrates of districts, subject to the supervision of the Commis-"sioner of the division, where such officer exists." We trust that our propositions will show the care we have taken to preserve the responsibility of the Magistrate for the general success of the criminal administration of the district; and to afford him prompt means of ensuring the obedience of the organized Constabulary to his lawful orders.

22. Our attention has been given to the observation made in paras. 8 to 11 inclusive, of Her Majesty's Government Despatch regarding Village Police. We have borne in mind that (as stated in the Despatch) " no Police system can be really effective in " India, which is not closely connected with the village system."

23. We have therefore provided in our propositions that the Village Police shall be retained in their existing status, and shall be brought into direct relation with the organized Constabulary in respect to his public duties. The working of the Village Police, only to the extent heretofore conducted by the Magistrate, and *no more*, will devolve on the officer of the Constabulary. That the Constabulary should exercise this much of authority over the Village Police, is indispensable to unity and efficiency of Police action. But, as the organized Constabulary obey the orders of the Magistrate, so ultimately the Village Police, who are subordinate to the organized Police, continue under the control of the Magistrate. The village watchman will still be appointed by, and will still be under the influence of, the landholder, wherever these functions are already vested in them. Wherever the case may be otherwise,

the local custom will be followed. He will obey the orders of the organized Police, but will *not* be incorporated into the body.

24. And in respect of the appointment of the watchman of his succession to office; of the manorial influence exercised over him by landholders or others;—whatever local custom may prevail in any Province will remain intact.

25. We note the passage in para. 12 of Her Majesty's Government Despatch to the effect that, "for protective purposes generally, "for awing a multitude, or for quelling disturbance, a small body "of Military Police is equal to a much larger number of ordinary "Policemen." This passage refers to the ordinary men of the existing Civil Police: and we appreciate the correctness of the observation regarding them. But we apprehend that the men of the organized Constabulary, which we propose, will be trained to arms, and, if necessary, armed, and will therefore be fully able to cope with an ordinary emergency, as above described.

26. Paras. 13 and 14 of Her Majesty's Government Despatch refer to the duties to be performed by the native troops in time of peace. It is stated that native troops may be employed on civil duties, which may beneficially give them employment in ordinary times. But then it is enjoined "that, for the discharge of "such duties, no addition whatever is to be made to the Native "Army, which must be kept at the *minimum required for* "*strictly Military purposes.*" Further, it is declared that "not "a man should be added to the Army beyond the number which, "*on Miltary grounds,* may be determined necessary for the wants "of the Empire." From this we clearly infer that native troops are not to be employed on Police duties, unless they can be spared from their military duties, and unless the Military authorities, after the Native Army shall have been reduced to the minimum necessary for Military requirements, shall be able to detach native soldiers for Police duties. Now we understand that the Native

Army is in the course of being reduced to the minimum as prescribed in Her Majesty's Government Despatch. When it shall have reached that minimum, we are confident that it will be *impossible* for the Military authority to detach soldiers for Police duties, the numbers of the troops would be insufficient, and discipline would be ruined. All Military authorities insist on this that, if the Native Army be reduced to the minimum as above described, the force should not be frittered away in doing Civil duties, but should be devoted to the perfecting of Military discipline under the eye of its Officers. There will be absolutely *no* spare men for miscellaneous non-military works. If, on the other hand, the Native Troops were kept up at a strength exceeding absolute military requirements, *in order* that there might be men available for Police duties, then the Despatch of Her Majesty's Government would be contravened.

27. We would specially refer the Governor-General in Council to the letter of the Military Finance Commission already alluded to in our preceding para. 9, as to the great reduction expected in the Native Army, when the troops shall be relieved of miscellaneous and Police duties, whereby an enormous financial saving will be effected. And when this shall have been carried out, as we suppose it will be under the terms of Her Majesty's Government Despatch, then we certainly conclude that there will be no soldiers available for Police duties in time of peace.

28. We have therefore been careful to provide such an organized Constabulary as shall be able to relieve the Native Army now in the course of reduction from the duties in question.

29. With these remarks we submit the propositions and the Draft Act, as the unanimous result of our anxious deliberations, and thus we have fulfilled the primary part of our instruction.

30. But the Government Resolution of the 17th August, while directing us to prepare a statement of the strength and cost of the

Police of all classes, enjoins us, under the second head of our enquiry, to report any alterations in system which we consider likely to increase efficiency or diminish expense. Now any alterations which we could propose would be based on the principle set forth in our propositions, if we were permitted to follow our own judgment, or upon any modification in our proposed plan which the Government might be pleased to order. In fact, the alteration which we really propose is this, that the present Police, Civil and Military, be abolished, and an organized Constabulary substituted, in all the provinces of India, where such a system does not already exist. We are confident that this arrangement would increase efficiency and diminish expense. But *what the exact* saving would be we cannot say, without endeavoring to allot to each district in every province and in the aggregate to each local Government the strength of organized Police that would suffice to do the work of the Civil and Military Police, and the Civil duties now devolving on the native soldiery. If Government should desire it, we will, of course, use our best exertions to frame an estimate of this kind on the best data we can collect. But when we consider the great number and variety of the duties to be undertaken by the organized Police; the local authorities, Civil and Military, to be consulted; the multifarious arrangements to be made; we doubt our ability to frame an estimate that would be an accurate financial guide, or would be practically suited to take effect in the various districts. We learn that when the organized Police was introduced into the Madras Presidency, these arrangements, so intricate in their detail, and so important in their aggregate, occupied a considerable time, and could only be managed by Officers on the spot It appears then that really reliable information of this kind cannot well be acquired, unless the system be more or less commenced and carried into effect. If the Government should be pleased to approve our plan; and if its *introduction* were sanctioned, then the new Police authorities, in concert with the local authorities, Civil and Military, would form the new organized Constabulary; reduce existing establishment with a great saving to the State: would diminish the

work now done; and would allot to the new establishment, whatever duties might be determined upon. Thus the work would progress gradually and surely; reduction of cost and numbers would advance month by month; the duties would be arranged on the spot; and accurate and really practical information would be placed at the disposal of Government from time to time. And such information would meet the requirements of Her Majesty's Government Despatch and of the Government Despatch of 17th August.

31. In this manner an *actual commencement* of reduction in numbers and expenditure might be made at once. Whereas it is to be apprehended that, if this be deferred until the information we are now collecting shall be complete, some time must elapse, during which the present heavy expenditure would continue undiminished.

32. But if there be any delay in carrying out the improved system we recommend, then we would submit that the expensive establishment of Military Police now kept up should be brought immediately under financial examination, with a view to effecting such reductions in detail as might be *at once* effected, under *any* circumstances, and *pending* the result of the investigation now going on. We believe that some reduction, be it more or less, might be *now* effected in the Bengal Presidency generally, *whatever* be the system ultimately decided on. This financial examination might be conducted either by the Military Finance Commission, or by this Commission. The Military Commission has peculiar facilities and appliances for such an examination, which they would conduct in the same manner as that in which their examination into the Native Army expenditure is conducted, and doubtless they would effect in the Military Police reductions similar to those they are effecting elsewhere. This duty they are, as we have ascertained, willing to undertake, if Government entrust it to them, or else, the examination, as above described, might be conducted by this Commission. In this case we should

desire to be favored with the specific instructions as to placing ourselves in communication with the several local Governments.

33. But the financial examination above described, however useful it might be, would not, in our opinion, be so efficacious in ensuring an early reduction of expenditure, as the *actual* introduction of the improved system itself. This latter method would be the purest and safest means of securing both economy and efficiency.

M. H. COURT, *President*.
A. P. PHAYRE,
S. WAUCHOPE,
W. ROBINSON,
R. TEMPLE,
H. BRUCE, *Lieut.-Col.*, } *Members*.

POLICE COMMISSION:
CALCUTTA,
September, 1860.

To

Colonel BALFOUR,

President, Military Finance Commission.

Sir,

In forwarding to you a printed copy of certain Resolutions of the Police Commission, I have the honor to request the favor of your placing us in possession of the information sought for, with as little delay as possible.

2. In the opinion of this Commission, there must be but *two* organized bodies maintained in this country—the *one* an armed Military force, under the Commander-in-Chief; the *other* a Civil Constabulary, subject to the Civil Executive Government.

3. That, under a strict observance of this principle, the one body would only perform the duties strictly applicable to its own sphere, but upon it should devolve *every* duty connected with it.

4. Amongst duties strictly attached to the Military Department, we consider the guarding and watching of all Military buildings in Military cantonments, such as medical store depôts, hospitals, commissariat and army clothing godowns, pension pay-masters' cash chests, and the escorting of all military stores, ordnance, commissariat, &c., to be included. But although all these duties belong to the Military Department, we are informed by our colleague, Mr. Temple, that many of these duties can be as efficiently performed by a Constabulary at a very great saving to the State, and we observe in the Official Reports of the Madras Government, that many are actually performed by the Civil Police in that Presidency.

5. Our object is to ascertain the opinion of your Commission on this question, and in the event of your considering, that in truth any of these duties can be performed with equal efficiency and greater economy by the Constabulary, to learn from you the duties

in detail you would assign to us,—the additional force that will be required for these Military duties,—and the sum which would be carried to the credit of the Civil Government to provide that force.

I have the honor to be,

SIR,

Your obedient servant,

M. H. COURT,

President of the Police Committee.

CALCUTTA;
Office of the Commission of Police,
The 28th August 1860.

(COPY.)

1. That in the opinion of this Commission, the proper duties of a Police force are entirely Civil, not Military; that under this rule, besides their ordinary functions connected with crime and property, their duties would be to guard and watch treasuries, jails, and prisoners, and other purely civil establishments, as also to guard those frontiers where invasion is not apprehended.

2. That this would not allow of the Police being employed in escort of any stores or supplies required in the Army Department, *e. g.* commissariat stores.

3. But in the report of the Military Finance Commission, dated 30th April 1860, it appears to be considered of importance, in Imperial Finance, to relieve a Native Army of many duties which can be as efficiently performed, at a much less cost by a Constabulary; and in para. 162 of that Report, they strongly

recommend that the performance of escort or other duties attached to Military may be undertaken by the Civil Constabulary, on their being furnished, by the Department requiring their aid, with the pecuniary cost.

4. That previous, therefore, to coming to any ultimate decision, it is resolved that a copy of the above Resolutions be forwarded to the Military Finance Commission, with a request that they will favor this Commission with a general expression of their opinion on the extent of the employment of a Civil Constabulary in guarding or escorting Military stores or other duties attached to the administration of the Army; and, as far as possible, an estimate of the saving that will be effected to the State,—of the increase that will be necessary in the Civil Constabulary for the performance of these *non-civil* duties,—and of the amount that would be provided for the purpose from the Military Department.

No. 2339.

FROM

THE MILITARY FINANCE DEPARTMENT,

To

M. H. COURT, ESQUIRE,

President of the Police Committee,

Calcutta.

Calcutta, 29th August 1860.

SIR,

I HAVE the honor to acknowledge the receipt of your letter, dated 28th August, and in compliance with the request therein conveyed, I proceed to state the opinion of the Military Finance Commission, on the subject of the relative position of the Civil Constabulary and the Military forces, and the duties to be performed by them respectively.

2. It appears to the Military Finance Commission, that the difficulties that have hitherto arisen in distinguishing the duties properly appertaining to the Military forces from those that should devolve on a Civil Constabulary, are attributable solely to the non-recognition of the important principle now clearly laid down by you, that there should be but two descriptions of forces maintained for the protection of the country, the one an armed Military force, under the Military Commander; and the other a Civil Constabulary, subject to the Civil Executive Government: the former being kept on the lowest scale compatible with the efficient performance of the strictly Military services of repelling external aggression, and putting down internal revolt; and the latter being of such a strength as to provide for the general tranquillity of the country under ordinary circumstances, and afford protection to life and property.

3. Your Commission have referred to para. 162 of Report No. 5, dated 30th April 1860, of the Military Finance Commission, which has relation to the bearing on the Finances of the employment of Civil Constabulary in the performance of duties of a Civil nature, such as guards for treasuries, jails, mints, &c., for which Military guards have hitherto been employed. The recommendation of the Commission, to substitute Police Constabulary, as far as possible, for the Native troops, in the performance of these duties, was not, however, based solely on economical grounds; and if your Commission will refer to paras. 155, 156, 157, and 158 of the same Report, quoting the remarks of His Excellency the Commander-in-Chief regarding the necessity of giving relief to the Native troops of the Madras Presidency, as also to part of para. 165, wherein His Excellency refers to the injury to discipline that is entailed by the employment of the Military forces in miscellaneous duties not strictly Military, it will be apparent that the Commission, in making their recommendation, had in view the maintenance of Military efficiency at least equally with the relief of the Finances.

4. At the same time, however, I may state, that the Military Finance Commission have seen no reason to depart from the opinion recorded in that Report, as to the great saving to the State that might, for the various reasons enumerated in para. 166, be effected by an extensive substitution of Civil Constabulary for the Native troops in the performance of miscellaneous duties, as already, to a great extent, successfully accomplished throughout several districts of the Madras Presidency; and your Commission will observe that in a former Report, dated Bombay, 29th October 1859, the importance of concentrating the Military forces, and freeing from the performance of non-military duties, was strongly urged by the Commission, *vide* paras. 10, 11, 12, and 13.

5. As regards the direct bearing of this system on the position of the Military forces, I may refer to para. 164 of the Madras Report, wherein it was shown that, on the 13th December 1859, there were 91 Detachments of less than one regiment absent from the head quarters of regiments of the Native Infantry of Madras: whereas, from returns furnished by the Quarter-Master General, dated 10th August 1860, it appears that there were then only 29 Detachments of less than one regiment absent from head quarters. The numbers detached on the former date were equal to fully 120 Companies, but on the latter date, or within about six months, equal to only 35 Companies; the numerical strength of the former being about 12,000 men, and of the latter only about 2,500, or less than a fourth; and even these numbers are in course of further reduction, as the organization of the Constabulary advances towards completion.

Strength of Detachment.	On 13th December 1859.	On 10th August 1860.
Less than one Regiment ...	2	0
Less than a Wing ...	7	3
Less than 3 Companies ...	21	2
Less than 2 Ditto ...	30	17
Less than 1 Ditto ...	31	7
Total ...	91	29

6. The one important point to be borne in mind as regards the employment of the Military forces in any, except strictly Military services, is, that so long as a Military Commander is liable to call for guards for the performance of Civil duties, he cannot exercise effective control over the discipline and conduct of his men: and though willingly rendering obedience to the requisitions of the Civil executive, he will naturally, from anxiety regarding the maintenance of Military efficiency under such circumstances, be led to advocate increase of the Military forces; whereas, if they were placed entirely at his disposal for strictly Military services, he would, without anxiety, be enabled to allow of extensive reductions in the strength of the Army.

7. A remarkable illustration of this fact is to be found in the case of the present Commander-in-Chief of the Madras Army, His Excellency Lieut.-General Sir Patrick Grant, who, in 1856, shortly after assuming the Command, found the Native Army so overworked as to induce him to address Government on the subject; and although between that period and the close of 1859, upwards of 15,000 men were added to the Madras Native Infantry, still His Excellency found it necessary, at intervals, up to the latter date, to make the forcible representations quoted in paras. 155, 156, 157, and 158 of the Report of the Military Finance Commission; the severity of the duty entailed on the Native troops having increased even in a higher ratio than the numerical strength, large as the augmentation appears to have been.

8. No less remarkable are the immediate results of the measure adopted in the Madras Presidency, of placing the Military forces entirely at the command of the Military authorities, by the formation of an efficient Constabulary force, to relieve the Military forces from all the miscellaneous duties enumerated by the Military Finance Commission in para. 162 of their Report. The introduction of this measure led to His Excellency the Commander-in-Chief giving an immediate assent to a reduction of

the strength of the Madras Native Infantry; and at the same Meeting of the Madras Council (on the 2nd January 1860), at which it was resolved that the Madras Constabulary even, in its then imperfectly organized state, should take up the miscellaneous duties hitherto performed by the regular troops, it was also resolved that an extensive reduction should be made in the Native Infantry.

9. Since that date 4 extra regiments and two veteran battalions have been broken up, and about 320 men struck off the strength of each of the 52 native infantry regiments: making a total numerical reduction of about 20,000 men. A further reduction of 100 men per regiment is now in contemplation, which, if effected, would make a total reduction of 25,000 Madras Native Infantry, of all grades, being an actual decrease of fully 10,000 men below the establishment, as existing in 1856, before the increase was made.

10. The Military Finance Commission can give you no stronger illustration than the above, of the direct bearing of the formation of an efficient Civil Constabulary on the reduction of the Military forces, and, consequently, of Military expenditure: and have no doubt that similar results might be attained throughout India by the adoption of the same measure.

11. The saving to the State in Military expenditure, by the reduction of 25,000 Native Infantry, would, calculating at Rupees 200 per head per annum, (which may be accepted as approximately correct, but is at any rate the lowest estimate,) amount to about 50 lakhs of Rupees annually. As regards the effects of so large a numerical reduction of the Madras Forces on Military efficiency—which the Military Finance Commission are specially bound to keep in view, at least equally with economy—the Commission see no reason to apprehend risk; for, looking to His Excellency the Commander-in-Chief's painful description of

the harassed and over-worked state of the Native Army before this relief was afforded, they fully anticipate that the *morale* of the troops will be found to be so greatly raised, and their discipline so much improved by their being employed only for purely Military services, that a far smaller number than hitherto will amply suffice for maintaining the security of the country.

12. I have thus shown the saving to be effected in the Military expenditure of the Madras Presidency, by reductions of the Military forces consequent on the formation of an efficient Constabulary; and I need only refer you to Mr. Robinson, Inspector General of the Madras Mofussil Police, who is a Member of your Commission, for all particulars as to the additional expense likely to be entailed on the Civil department, by the substitution of the new Constabulary force for the old Police force; only remarking here that, according to the information of the Military Finance Commission, the increased outlay for the Constabulary will not amount to more than one-fifth of the saving in Military expenditure (50 lakhs) as above shown. The Commission are not at this moment able to state the exact Military saving that might be effected in the Bengal and Bombay Presidencies, by the introduction of the Constabulary; but they have every reason to believe that the saving in both Presidencies would be relatively as great as in Madras. If fifty lakhs per annum can be saved in Madras, your Commission can form some idea of what would be saved in Bengal by the adoption of a similar system.

13. I must here, however, distinctly point out, that, in the opinion of the Military Finance Commission, the success of this measure, as regards admitting of a large reduction of the Military forces without risk to Military efficiency, depends entirely on its being carried out in its full integrity; and to the full extent stated by the Commission in para. 162 of the Report referred to by you. For, if the relief given to the Military troops be only partial, necessitating the constant absence of considerable portions of a regiment from head

quarters, or from under the eye of the officers, the Commission cannot hold out the expectation that the Military Commanders will find the reduced strength of the Madras forces, as above detailed, sufficient for the efficient performance of Military services: or that it will be found practicable to reduce the Military forces throughout India in the same proportion.

14. Your Commission being necessarily bound to keep in view the efficiency and economy of the Constabulary force, in the same way as the Military Finance Commission keep in view those points in relation to the Military forces, you must therefore be naturally anxious to have the duties to be undertaken by the Constabulary definitely fixed and limited. The Military Finance Commission are equally anxious to have a clear line of demarcation laid down between Military duties and those of the Constabulary force; and think that no difficulty will be found in so doing, if it be recognised that a distinction exists between "*guarding*" and "*watching*."

15. As regards the protection of Military buildings in Military cantonments, as instanced by you, it appears to the Military Finance Commission, that, under the ordinary circumstances of the country, the services of the Constabulary force, *as watchmen*, would be all-sufficient. This is no new idea, for I observe by the army estimates of 1860-61, that provision is made for the payment of Police for watching the royal arsenal at Woolwich, the Tower of London, the small arms factory, enfield, and the army clothing depôt, Pimlico. The dock-yards at the sea-ports, as also the bank of England, are watched night and day by Police; but at night a company of the regiment quartered in the Tower moves in to guard the Bank against *external attack*, the Police at the same time performing their duties as watchmen, and thus leaving the Military guard to their proper duties of repelling attack.

16. If, however, the Civil authorities should declare that the Constabulary does not suffice for the security of any locality, the

Military authority should, on due requisition being made, furnish a guard of soldiers; but this should be looked on as only an exceptional case, and, under no circumstances, should the soldiers be permitted to act as watchmen, which is the special province of the Constabulary. If throughout the country the simple rule were acted on, that the services of the Military forces, although at the command of the Civil authorities, whenever real occasion may arise, are, nevertheless, only to be called for in case of emergency; and, further, that troops thus called out should be employed only in a strictly Military way, as laid down by the Military Commander, with a view to meet the object of the Civil authority, and clear the field for the action of the Civil force. It is probable that the Civil authorities would be very careful in making requisitions for Military guards, which would in no way lighten the duties of the Constabulary, and would be a kind of admission of the inefficiency of the Constabulary force at their disposal, for maintaining the internal peace and tranquillity of the country.

17. As regards the acceptation of the term "escort," it appears to the Commission not to be generally rightly understood. The escorting of treasure or Military stores, as performed by the Military forces, should, in the opinion of the Commission, consist only in the detachment moving along as a Military body, sufficiently near to guard against any external attack, not allowing the soldiers to walk beside carts, acting as watchmen. The necessity for a Military escort being employed, as also the strength of such escort, will obviously depend on the state of the country to be travelled over; but now that tranquillity is generally re-established, it appears to the Commission that these calls need not be numerous. And for the special duties of watchmen in the transport of treasure, stores, &c., a sufficient force of Constabulary should be provided, on requisition being made by the department concerned.

18. It should be borne in mind, however, that the military authorities, although equally entitled with the inhabitants of the

country to the ordinary kind of protection from the Constabulary force, whether in cantonment or in moving about from one station to another, are not entitled to obtain, without payment, any greater degree of protection than is afforded to the inhabitants generally. The proposition of the Military Finance Commission, made in para. 162 of the Report already referred to, *that payment should be required by the Constabulary department*, whenever any other head of department calls for the special services of the Constabulary, as for watching buildings, stores, &c., whether in cantonment or on the road, would, if adopted, act as an effectual check on any abuse of the privilege of obtaining the special services of Constabulary as watchmen. And this arrangement might, with advantage, equally be extended to all private individuals, on the same terms; for it appears to the Military Finance Commission, that it is a great object to extend the influence of the Constabulary force as much as possible throughout the country.

19. The system of payment for special Police services is extensively practised at home; for by the English civil estimates for the year ending 31st March 1861, the payments by public departments, on account of the services of the Metropolitan Police, were estimated at £25,429; those from public companies and private individuals at £4,406; and those from theatres at £692. And the Commission fully understand that the services of the Police are willingly given, on payment, to all parties applying for them.

20. If a similar system were adopted in India, no unnecessary burden would be entailed on the Civil Administration; and as regards increase of military charges on account of services thus rendered by the Constabulary, the Military Finance Commission entertain no fear but that, with the close and efficient audit of Military expenditure, which they hope shortly to establish, all charges of this nature would come under such strict investigation as would suffice to protect the State against any unnecessary requisitions being made by Military departments, for the services of the Constabulary force.

21. It must not be understood, however, that the Military Finance Commission advocate the substitution of Constabulary watchmen for Military guards at arsenals, magazines, and other Military buildings. As already explained, the Commission consider the duties of Constabulary and Military guards as entirely distinct. The Military Commander must provide for the security of arsenals and other Military stores, in a Military point of view, by means of the forces placed at his disposal; and the determination of the strength of guard requisite for that purpose rests entirely with him. No doubt the extent to which such Military precautions are taken must depend, in a great measure, on the state of tranquillity of the country, as maintained by the Civil Constabulary force; but in no instance would an efficient Commanding Officer either entirely dispense with certain Military precautions, however profound be the peace of the country, or employ for the Military Police duties which could be better performed by the Constabulary.

22. The Military Finance Commission only desire to establish, that if the Military Commander in any locality, whilst duly regarding the responsibility resting on him, to provide for security in a military point of view, should deem it advisable to employ the Constabulary force in the duties of watchman, either as a relief to the troops, or as tending to economy, the services of the Constabulary should be available at his desire, on condition of payment being made on the regular scale fixed.

23. The Military Finance Commission do not anticipate that any difficulty would be experienced by the Constabulary department, in meeting demands of this nature, however extensive they may become. It would be only a question of increasing the numbers of Constabulary, and allowing a short time for training; indeed, so uniform are the requirements of the Military service, that, after a little experience, it would be easy for each head of department to send in, at the beginning of the year, an estimate of the extent to which he is likely to require the services of the Constabulary during the ensuing year.

24. The respective comparative cost to the State, per head of Constabulary and Regular Native Infantry, the Military Finance Commission understand to be about Rupees 130 per annum for the former against Rupees 250 (which is the maximum charge) for the latter; and this would make a considerable saving, if the agency of the former be extensively substituted for that of the latter. The calculation of the scale of payment for services rendered by Constabulary, both to Government departments and the public in general, should be so made as entirely to cover the cost of maintaining any number of Constabulary that may be required, beyond the number necessary for the general preservation of tranquillity, and affording due protection to life and property.

25. In making the above observations, the Military Finance Commission conclude that it is the intention of your Commission to provide an efficient Constabulary force in Military cantonments equally as elsewhere; and the Commission attach great importance to this proviso, as it appears to them that it has not hitherto received due weight in the consideration of Police arrangements, which, as already shown, have a most important bearing, both on the efficiency of the Military forces, and the economy with which they can be maintained.

26. Having regard then, to all these considerations, which relate partly to Military efficiency and partly to financial economy, the Military Finance Commission strongly recommend to the consideration of your Commission the following propositions:—

I. *That* the military forces should be employed solely on Military services, which, in general terms, may be designated as the repelling of armed aggression, whether proceeding from external or internal sources.

II. *That*, the repelling of such aggression, whether from Civil or Military property, is a strictly Military duty; but that the

watching of Military buildings and property, whether in cantonment or in movement, in tranquil times, is *not* Military, but Civil duty.

III. *That* such civil duty ought to be performed by the Civil constabulary, and that their services should be allowed by the Civil authority, to any Military authority or head of department, in the same manner and on the same conditions as to other parties.

IV. *That* any Military authority or department requiring extra and special service of the above description, should pay for it at the same rates as charged to private individuals.

V. *That* such Military authority or department should specify to the Civil authority the nature of the extra or special duty to be performed; the Civil authority being held responsible for its due performance, and therefore fixing the number of men to be employed thereon.

VI. *That*, on the other hand, should the Civil authority apply to the Military authority for Military aid in repelling or guarding against armed aggression, such aid should be given; the Military authority, being in like manner, responsible for the performance of the duty, and deciding as to the strength of force to be employed.

VII. *That*, in accordance with the above propositions, all stores of the ordnance, medical, commissariat, public works, clothing, and barrack departments, in cantonments or in transit, all stores in arsenals, magazines, and depôts, all munitions of war, all military buildings whatever, should, if required, be *watched* by the Civil Constabulary, on payment for the special service.

VIII. *That* all the duties now performed by Military guards and patrols in cantonments, relating to the general safety and peace of the locality, ought to be undertaken by the civil Constabulary as an ordinary duty.

IX. *That*, on the other hand, all duties that are points of Military honor or Military precaution, such as guarding colors and light field pieces of battery, the posting of picquets, and regimental and general guards, should always be provided for by the Military authority.

X. *That*, while a Military *guard* may be kept up over particular Military property as a Military precaution, still the duty of *watch* should be uniformly performed by the Constabulary; for instance, there might be a Police *watch* at a magazine inside a fort, while there might be also a Military *guard* posted there to secure the Military possession of the place.

XI. *That*, even in the above case, there are certain kinds of duty which may be advantageously performed by a Constabulary to the relief of the Military force: and that, although a Military guard may sometimes be employed simultaneously with a Police watch, yet, in all ordinary cases, whether within or beyond Military jurisdiction, the latter should, under the usual circumstances of the country, alone suffice, and should be employed in order to relieve the Military forces.

XII. *That*, as it would not be expedient that the Military authority should be permitted to make unlimited demands on the Civil authority for the services of the Constabulary force, a sufficient check will be found in the proviso, that the head of the Constabulary, who is responsible for the due performance of the duty, shall fix the number of men to be employed.

27. The Military Finance Commission have long had under consideration the question of properly adjusting the respective duties of the Constabulary and Military forces; and they offer these suggestions, believing that duties wholly unsuited to soldiers, may, without inconvenience to the civil administration, be undertaken by the Constabulary force, with equal or even greater efficiency, and at a far less cost to the State than as hitherto performed by the

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Military forces: at the same time that the system of requiring payment for all extra services will lead to a great diminution of demands of this nature.

28. The Native Army, when thus relieved, might not only be greatly diminished in strength, but, further, the reduced Military force to be maintained might be concentrated, whereby a still further saving to the State would be effected: whilst in the Military forces thus freed from all extraneous duties, the improvement of discipline and organization might be carried on under the immediate eye of the Officers.

29. The Military Finance Commission fully anticipate that very important objects in a Military, Financial, and Political point of view would thus be attained.

I have the honor to be,

SIR,

Your most obedient servant,

G. BALFOUR, *Colonel*,

President, Military Finance Commission.

EXTRACT FROM REPORT No. 2 OF THE MILITARY FINANCE COMMISSIONERS, DATED BOMBAY, THE 29TH OCTOBER 1859.

10. The Commission lay great stress on the troops being massed together in suitable Military centres, in due proportions of Europeans and natives, and reserved for strictly Military duties, since the possibility of reductions of military establishments and expenditure, consistently with the maintenance of complete efficiency, depends mainly on the proper development of the principle of Military occupation; as also on the regular troops being entirely

freed from the performance of the multifarious non-military duties hitherto imposed on them.

11. At present the Military forces are employed on so many duties of this nature within and beyond cantonments, and scattered about in small detachments to such an extent as virtually to reduce a great portion of the regular troops to the position of a mere Military Police: whereby the efficiency of the soldiery, both European and Native, is impaired, the prestige of the European troops greatly weakened, and that perfect training of soldiers is prevented, for which so many facilities exist in India. Taking the Bombay Presidency, we find that there were, on the 1st September last, absent from the head quarters of 10 European regiments, 17 small detachments of European Infantry, comprising 75 officers and 2,449 non-commissioned rank and file,—total, 2,524 of all ranks; also 55 detachments absent from 29 regiments of Regular Native Infantry, comprising 41 European Officers, 117 Native Officers, and 6,156 non-commissioned rank and file,—total, 6,314 of all ranks. Further, between the 1st September 1858 and 31st August 1859, 91 detachments were sent on escort duty from 26 regiments of the Regular Native Infantry; of these regiments furnishing respectively, as many as 11, 10, 7, and 6 escorts. These 91 escorts comprised altogether 46 European Officers, 129 Native Officers, and 4,518 non-commissioned rank and file,—being a total of 4,693 of all ranks, and giving an average for each escort of 51½ of all ranks. The average distance to which the escort duty extended was 80½ miles, making, with the return march, an average distance of 161 miles moved by each escort, and involving, on the average, an absence of at least twenty days from all proper Military control. The whole distance would therefore have been, for one escort, (51½ men) 8,291½ miles marched: and for one single man of the 91 escorts, 754,994 miles.

12. Some of these detachments and escorts were no doubt indispensable, for Military reasons, connected with the late

exigencies; but even during the most peaceful times, the amount of detachment, guard, and escort duty has always been considerable, greatly unhinging Military arrangements and destroying discipline; and the Commission are convinced that the time has now arrived when the practice of thus employing regular troops must be entirely discontinued, in order to enable the Government of India, whilst placing definite limits to Military expenditure, at the same time to maintain full Military efficiency. Indeed, it cannot be too often repeated, that to this end the regular forces should be reserved for Military purposes alone, so that every man borne upon the rolls of regiments may, at any moment, be available for actual warfare; and this principle should equally be kept in mind as regards financial consideractions, since all experience proves, that, to employ soldiers of the regular army in the duties of policemen, watchmen, and messengers, is only to entail on Government the maintenance of a large numerical Military force, with all the corresponding heavy charges for officers, equipments, and separate departmental establishments: the average charge throughout India (according to the present calculations of the Commission, which, however, require verification,) being about 1,000 Rupees per annum for each European soldier, and 250 Rupees for each native soldier of the regular army.

13. It therefore appears to the Commission that it would be far preferable, in every point of view, to have the non-military duties hitherto confided to small guards, detachments, and escorts of the regular forces, in future performed by the Civil and Military Police, of which large bodies are already kept up, especially in the Bombay Presidency. The Commission consider that the Police, if properly organized, and efficiency ensured, as far as possible, by careful independent inspections, would discharge these duties as well or even better than can be done by the regular troops, and far more economically; the charge to Government for each individual of the Native Police, judging from the cost of the Scinde Police Corps, being probably less than one-third of the

average for the regular troops, European and Native. But the Commission may here observe, that the expenditure for the Civil and Military Police of the country should, equally with the *bonâ fide* Military expenses, be carefully scrutinised, and kept within definite limits, otherwise the outlay in the Police branch may be found to outweigh the saving effected in the army, and the change, unless judiciously carried out, might not, in any way, benefit the country.

EXTRACT FROM REPORT No. 5 OF THE MILITARY FINANCE COMMISSIONERS, DATED CALCUTTA, THE 30TH APRIL 1860.

153. We would, in any case, suggest that the 13 regiments of Native Infantry serving in the Eastern Settlements and to the Eastward, including China, should, as soon as possible, be immediately reduced to the peace establishment of 700 privates, as recently ordered for the rest of the Native Army of the Madras Presidency. Considering also the difficulty of marching troops in Pegu during many months of the year, when the whole country is nearly impassable on account of the floods and rains, and seeing that the fine water communications by the Irrawaddy afford great facilities for transport, in the event of operations against Ava being necessary—since the rapid movement up the river, of a small force, by the flotilla, to the rear of an invading army approaching from Ava, would greatly paralyze an enemy advancing from that quarter along the narrow valley of the Irrawaddy—we are of opinion that the large transport cattle establishment, as per margin, recently maintained in Pegu, (nearly equal in numbers to that maintained in Madras Proper for the Madras Army, on the Continent of India,) might, without detriment to Military efficiency, be still further reduced. We have no doubt that by these measures, and the greater concentration of the troops in these Provinces

Elephants ...	132
Draught Bullocks..	1,359
Carriage Bullocks..	308
Dooley Bearers ...	1,555

a clear saving of about 16 lakhs per annum might be effected, including all contingent charges of freight, passage money, batta, rations, &c.

Relief of Regular Troops by Police.

154. Having shown above that a great increase was made to the strength of all the native regiments of the Madras Army subsequent to May 1857, on account of the mutiny in Bengal, we must not omit to point out the causes which prevented a diminution being made, when the emergency was over, as rapidly as would otherwise have been practicable. In March 1859, when reductions of the native forces were first resolved upon by the Madras Government, His Excellency the Commander-in-Chief, after full deliberation, pronounced it unadvisable, pending the organization of the Madras Police Constabulary, to reduce the strength of native regiments below 1,000 privates, on the ground of the men being greatly overworked, by reason of the scattered state of the forces over the vast extent of territory occupied by them, the long and frequent marches that had become unavoidable, in order to provide for the variety of foreign service to be performed; the great amount of detachment duty, and the unceasing calls on the regular troops for escorts and guards. Indeed, His Excellency set forth the evils and hardships thus entailed on the native army, in such earnest and forcible language, that we quote his own words, as conveying the soundest principles.

155. "As Commander-in-Chief, Sir P. Grant feels bound to " submit to Government his fixed opinion, that it is utterly im-" possible that discipline and efficiency can co-exist with the present " condition of this army, broken up as it is into small detachments, " and dispersed here and there over the vast surface of this exten-" sive Presidency, together with portions of Bombay and Bengal, " and the recent acquisition of territory in Burmah. Deeply feeling " the evils of the existing system, Lieutenant-General Grant

" earnestly recommends to the Government to consent to concentrate " the troops, as much as may be practicable, at the head quarters " of divisions and brigades, reducing, as far as possible, all single " regiment stations, and altogether withdrawing to their company " or regimental head quarters the innumerable small details of " artillery and infantry, which at present abound in every part of " the country, ruining the discipline and efficiency of the troops, " and, in reality, affording no adequate protection in any respect.

156. " Employing detachments of troops, more especially " artillery and guns, on outpost duty or field service of even the " most trivial description, under Native Commissioned or Non-Com- " missioned Officers, is highly objectionable; and never can be " necessary if these suggestions are carried into effect. By concen- " trating the troops, as now proposed, very many of the inconve- " niences now experienced in arranging for the periodical relief will " be obviated; an effective force ready for any service will always " be in hand to move upon any point where troops may be required; " opportunities for exercising together, in considerable bodies, the " troops of all arms, will be afforded, than which nothing can be " more desirable. An impetus to discipline and efficiency, which " cannot be over-estimated, will be given, and an emulation and " military spirit, conducive in the highest degree to the good of " the public service, cannot fail to be created.

157. " I have submitted to the Government a project to " concentrate the troops, as much as possible, in suitable positions, " instead of having them, as they now are, cut up into petty " detachments and scattered all over the face of the country, " affording no real protection or assistance, and absolutely ruining " all discipline and efficiency. Many brigade stations have not even " one complete regiment quartered at them just now, and except " at Secunderabad (in the Nizam's territories), there is not a point " in the Madras Presidency, where a force of 3,000 men of all arms " could be assembled. The men feel that they are grievously

" over worked ; that duty is constant and unceasing, and that there " is no prospect of relief ; their strength and energies are overtasked, " and that they are plunged in irretrievable debt by the long and " frequent marches. One-third of the army is permanently on " duty from year's end to year's end, and the men are disheartened " and dispirited; this season (1857) fully one-half of the native " army has been in movement, or will be so, to occupy Pegu, and " effect the general relief, and to give to Corps in regular succession " their proportion of foreign service.

158. " The circumstances of the native army are becoming " daily more trying, and I feel it to be my duty again to solicit " that the relief to which in common justice and humanity they " are entitled, may be granted to the troops. The enclosed " return, prepared in the office of the Adjutant General of the " Army, shows that 23 regiments (nearly half the army,) have only " 1½ reliefs ; 18 regiments have 3 reliefs ; 8 regiments have 3½ " reliefs ; and 3 regiments have 7 reliefs, whereas all should have " full 4 reliefs. It is my duty, as Commander-in-Chief, emphatically " to state my firm conviction that this state of things cannot much " longer endure. The troops must have relief, and I have already " indicated, how, in my opinion, it can best be given."

159. At the same time His Excellency, in a letter to the Madras Government, dated 17th March 1859, expressed the opinion, " that the first step to be taken, in order to admit of any " real reduction being made in the military expenses of the Madras " Presidency, is the formation of an efficient and well organised " Police, a point which was first pressed upon notice by Lord " Harris, in August 1855." The Act of the Legislative Council, authorising the formation of the Madras Police Constabulary, only received the assent of the Governor-General on the 6th September 1859 ; but it was then pressed rapidly forward, and on our arrival at Madras, in November last, we found one district of the Presidency (Arcot) almost entirely occupied by the Constabulary, the relief

of the regular troops, as regards detachment and guard duty, being already to some extent carried out. The Inspector General of Mofussil Police, Mr. Robinson, informed us, in a letter dated 28th December, that "the veterans at Chittoor (2 companies) have "been relieved of all duty by the Constabulary undertaking the "jail and treasury guards of that place. The veteran guard at "Palliconda has likewise been relieved. There are veterans at "Arnee; but they are not performing, so far as I am aware, any "civil duty. If they are doing so, however, these duties will cease "before the end of January next, as the Arnee Division will, by "that time, be taken up by the Constabulary. All guards fur-"nished by the regulars (the 18th regiment native infantry,) for "civil duties at Vellore, have been relieved. They consisted of "jail and police choultry guards. I believe that there are hospital, "arsenal, and commissariat guards also furnished by the regulars "at Vellore; and probably at Arcot likewise. *It is for the mili-"tary authorities to judge, whether it is desirable to relieve any "of these guards by the Constabulary.* The civil duties which "now press so severely on the military forces, consist chiefly of "jail and treasure guards. To furnish these, detachments are "necessarily kept up in different parts of the country, and their "relief is of the first importance. I consider that any energetic "Superintendent of Police should, in most districts, be able to "organize and train a body of men sufficient to undertake all "these duties, and relieve the detachment within three months of "his commencing work in his district."

160. The organization of the Police Constabulary thus in process of formation for the Madras Presidency, is very different from that of the Military Police of Bengal and Bombay, who are in every way constituted on the model of the sepoy army, and would require as many reliefs for their guards as the native regiments of the line, in order to maintain a similar discipline; and in reference to which the Commissioners appointed to enquire into the organization of the India Army, recorded in their report, that "they

" see in this force, in its numerical strength, and military organi- "zation, differing, as it does, in no essential respect from the "regular Sepoy Army, the elements of future danger; and would, "therefore, recommend that great caution be used in not giving to "this force a stricter military training than may be required for "the maintenance of discipline, lest a new native force be formed, "which may hereafter become a source of embarrassment to "Government." His Excellency Sir Charles Trevelyan, Governor of Madras, makes very similar remarks in one of his Minutes, wherein he points out the difference between the proposed Madras Constabulary and the other Police bodies of India. It is not "'Police Corps,' which it is proposed to establish. These are "neither Police, nor regular army, and while they cause a heavy "expenditure, are a source of disquietude both to Government "and the people."

161. The Madras Police force, however, are not to be Soldiers but Constables; as explained by Mr. Robinson, they are to go through a certain degree of drill to "secure discipline and proper "spirit; all are to be taught the use of arms, which are light "carbines and swords, in the proportion of one fire-arm and sword "for every two men: but excepting when employed on treasure "escort, or jail duty, they are not to carry arms, the baton being "the ordinary and sufficient instrument of defence." They will not be required to observe the strict discipline essential in a military body, and fewer reliefs will therefore be required for the men on duty; daily reliefs can only be carried out at a very heavy cost to the State, and not less than three are necessary for health and discipline. The composition and probable outlay for this Police Force is stated by Mr. Robinson as follows:—"The rate "usually taken in estimating County Constabulary in England, "is one Policeman to 1,000 inhabitants, "and to 4 square miles of area (on this "latter point differences of opinion exist); "and so far as I have gone, I am inclined to think that this rate "of one to every thousand inhabitants should suffice for this

Inspector General, Mofussil Police, 23rd December 1859.

"Presidency: but the area will, of course, be much greater. "Calculating from the above data, and taking the grades and "rates of pay already "stated to your Commission, I estimate "the cost of Constabulary for 22 millions of inhabitants "at 30,54,000, Rupees "as per margin. Of "this sum, 12 to 13 "lakhs will be recovered from existing expenditure on "civil establishments."

Number.		Rupees.	Rupees.
600 Inspectors	..		6,60,000
21,400 Inferior Grades	..		18,04,000
22,000			24,64,000
20 Superintendents	..		
20 Assistant Ditto (travelling allowance inclusive)	..		3,00,000
1 Inspector General (Office, Travelling, &c., inclusive)	..		50,000
22,041 Total	..		28,14,000
Clothing	..	2,00,000	
Arms, &c., annual	..	20,000	
Stationery	..	20,000	
			2,40,000
Total annual charge, Rupees	..		30,54,000

The increase to the present outlay for the protection of the country would, in that case, not be more than about 18 lakhs, and it is, moreover, possible that this amount may be, to a great degree, or even entirely, covered by the revenue exemptions and money allowances previously assigned to certain parties for performing Police duties, being resumed, or the privileges at least greatly modified. But even if these anticipations be not realised, the additional outlay should not be allowed to stand in the way of endeavoring to secure the highest state of efficiency in the Constabulary Force; for, as observed by His Excellency Sir Charles Trevelyan, in one of his Minutes, "the key to the "organization of our Indian Military system is the reformation "of the existing Police, on the English and Irish Constabulary "principle; and His Excellency lays special stress on the "formation of a *real Police*, well organised, well paid, well "superintended by selected European Officers."

162. In reference to the expense of employing military guards for civil duties, Mr. Robinson very justly remarks, "that the first step towards reform "of Military expenditure will be for the

Inspector General, Mofussil Police, Madras, 13th December 1859.

" Adjutant General to debit the cost of every sentinel or detach- " ment he supplies, to the districts or department employing " them ; for then only will the enormous cost, at which many " purely civil duties are now being done by Military forces, oblige " the heads of departments to see how easily they can dispense " with Military aid in much of the general administration of the " country." Mr. Robinson further declares himself ready to provide all escorts required, on condition of being furnished with the pecuniary means by the department requiring them ; a proviso which will, in itself, be a most useful check on requisitions of this nature, and we strongly recommend its adoption, not only as regards escorts, but also for all duties of a civil nature, such as guards for treasuries, jails, mints, banks, public work-shops, and a variety of miscellaneous purposes, for which Military guards have hitherto been employed, but which, as now universally admitted, may be peformed by hired Police, as efficiently and at a smaller outlay. The Government of Madras have indeed already made practical experience in one instance of the economy to the State that may thus be effected ; for, consequent on the reduction of the native forces, and the strength of the garrisons of the Presidency, the Mount and Palaveram being insufficient to furnish the usual number of orderlies employed in the offices of the Adjutant General and Town Major, Government sanctioned the employment of peons in room of these orderlies, only allowing, however, about half the number of peons, who receive a much lower rate of pay than sepoy orderlies, the charge being moreover borne by the office by whom they are employed.

163. Whilst at Madras, we had several interviews with the Governor, His Excellency Sir Charles Trevelyan, who favored us with copies of all the Minutes recorded by him in regard to the formation of the new Police ; wherein he points out how intimately this measure is connected with the reduction of the Military forces, and that its organization on a proper basis is a key to economy and Military efficiency. And, although careful

not to hurry on the new arrangements before the Police body were in a state of efficiency, we still learn from Mr. Robinson, that His Excellency being anxious, as far as possible, to facilitate the reduction of the Military forces, had desired him "to keep "in view the early relief of all petty Military detachments, by "trained bodies of Police; even although it should retard a "little the general organization of the Rural Police throughout "the different districts." Mr. Robinson added that officers would therefore "shortly be deputed into several of the districts of the "southern division, with directions to form effective and well "trained local bodies of Constabulary, to take up all civil duties "now performed by the Military." Consequent on this arrangement, His Excellency the Governor a few days subsequently proposed, and Government resolved on the reductions already detailed, namely, that all the Native Infantry Regiments within the Frontier should be reduced by 320 non-commissioned rank and file, the three extra regiments being also broken up, and two veteran battalions absorbed into the pension list. And as we observe, since our arrival at Calcutta, that His Excellency the Commander-in-Chief has issued a General Order, authorising Officers commanding divisions and forces to call in all Military detachments as soon as the Inspector General of Mofussil Police intimates his readiness to replace them by the Constabulary force; we presume that measures are now in full operation for relieving the Madras Army from all the numerous detachment duties which have hitherto pressed so heavily on them.

164. As an illustration of the scattered state of the Madras forces, we may mention that at the time we commenced our enquiries, the European troops alone occupied forty different posts, and we learn by returns furnished by the Quarter Master General, that on the 13th December 1859 the native infantry furnished, in addition to all detachments from regiments in the

field, in Bengal, 91 permanent detachments (as per margin), varying in strength from more than 1 wing, but less than a regiment, down to less than 1 company, but not less than a native officer's guard; one-third of the whole (31) being of this latter strength, and another third (30) less than 2 companies, but more than 1; 21 less than 3 companies, but more than 2; 7 less than 1 wing, but more than 3 companies, and only 2 more than 1 wing. The still smaller detachments would, if included, no doubt greatly swell the number; but we may calculate the total strength of these 91 detachments alone to be at least equal to 120 companies. By a return from the Quarter Master General, dated 20th March 1860; we find, however, that in consequence of the progress of the new Police arrangements, 31 of these detachments have already been called in, amongst which are included the 2 largest, comprising more than 1 wing, and the total strength of the 31 detachments may therefore be calculated at about 50 companies. Out of the 60 detachments still remaining, two-thirds consist of less than 2 companies each, and their duties could, therefore, with ease, be taken by the Police; indeed, we have no doubt that, within a short time, all the rest of the detatchments will be called in, regiments being but rarely divided.

	Detachments.
Centre Division	12
Northern "	15
Southern "	18
Mysore "	6
Malabar and Canara... ...	10
Ceded Districts	3
Hyderabad Suby. Force ...	6
Nagpore Force	4
Pegu Division	14
Straits Settlements	3
Total ...	91

165. We find also that the numbers of all ranks detached, in 1858, for escort duty, from the regiments of native infantry and veterans stationed within the permanent garrisons of Madras, were, as per margin, divided into 87 escorts;

Officers.		Non-Commissioned Rank and File.
European.	Native.	
16	94	3,229

thus giving an average of 37 non-commissioned officers, rank and file, for each. A great amount of harassing duty was thus involved, without any corresponding beneficial results; for His Excellency, Lieutennt-General Sir Patrick Grant, states, that "the "best informed and most experienced civil officers will allow "that small parties of soldiers, under native commissioned and "non-commissioned officers, afford no adequate support to the "authorities, nor any real protection to small treasuries in the "interior of the country; and that employing the men on duties "of that description, while it is ruinous to discipline, not only falls "short of the object in view, but is absolutely mischievous." His Excellency adds, "I am well aware that circumstances occasion- "ally render the employment of detachments absolutely necessary "for a time, as in the instance of Malliapooram, in Malabar; but "let this be the exception, not the rule, as at present is the case."

166. The employment of regular troops on duties of this nature is, moreover, a positive waste of public funds, since every guard employed requires three or four reliefs; whereas, if the duty were taken by the Police, one relief for each guard would suffice. These escort and detachment duties, as also the furnishing of guards for treasuries and jails, will, however, soon be mainly, if not entirely, taken by the Police Constabulary, whereby the whole of the regular soldiers of the Madras Army will be relieved from extraneous non-military duties; and the Madras Army will then, even with the large reductions of the forces already ordered, be stronger by reason of the improved discipline that may thus be maintained, than the present larger force, with all its drawbacks to discipline. We confidently anticipate also, that the establishment of an efficient Police Constabulary will not only enable Government to effect larger reductions in the Military forces than are at present contemplated, but further facilitate the judicious location of the troops so essential to economy and efficiency; for, with the forces scattered in small detachments, the cost of lodging, feeding, and every other charge is greatly enhanced, at the same time that the control and supervision of the officers over their men is greatly weakened.

Propositions unanimously recorded by the Police Commission, as the basis of a Police System—and of an Organized Constabulary.

1. That, with a view to simplicity in general administration, the maintenance of Military discipline, uniformity and consistency of Police regulation, and effective financial control in both departments, a broad line of distinction should at once be drawn between Military and Civil *bodies*, functions and expenditure. There should be only *two* departments charged with protective and repressive duties and responsibilities; the one the Military armed force, under the orders of the Military Commander; the other a Civil Constabulary subject to the Civil Executive Government.

2. That the Military arm should confine itself *absolutely* to the occupation of the country, for its proper function of preventing invasion, and supporting the Civil power *only* in event of rebellion or extended insurrection. The Military arm should be relieved from all non-military duties; and the peace and order of the country should be preserved, on every occasion of tumult and apprehended disturbance, by the Civil power, and not by a Military force.

3. That bodies of men properly termed "*Military*,"—having Military formation and organization, employed for Military purposes, and liable to Military requisitions, cannot be usefully employed as Civil Police, or be associated in the operations of a Civil Constabulary in any of its duties. That such bodies should be transferred to the Military Department; or be dispensed with; or be absorbed into a Civil Constabulary formed on sound general principles; thus enabling consolidation and reduction of force in both departments. That the Military authorities should withdraw and cease to maintain, in future, any post, detachment, or guard not required for Military occupation or other Military purpose *alone*; so enabling concentration of force, maintenance of discipline and efficiency in the army, and thorough revision and accurate estimate of the requirements of the country in a Military point of view.

4. That a Civil protective force can be constituted in any part of India, starting from a Civil basis, after the model of the British and Irish Constabulary forces, and under the control of carefully selected European Officers, which may be adapted, by special attention to its departmental constitution, and physical composition, to the performance of every duty which can be required of such a body, in regard to the prevention of crime, the suppression of *local* outrage, the maintenance of order, and prevention of aggression on Frontiers where armed invasion is not to be anticipated; for the guarding and watching of jails, treasuries, and stores, and performing any escort duties connected with them and public property of every description.

5. That the Executive Government should at once constitute a Civil force of such organization as shall make it thoroughly useful for every Civil Police purpose. The force should be so trained and constituted that it may be thoroughly relied upon for the performance of all duties of a preventive and detective Police, and for the protection of property, and maintenance of local peace and order, with reference to the locality in which it is to be employed. That the formation of such a force is the key to economy and Military efficiency.

6. That the first step towards effecting this object is to combine into one body, under a responsible superintending authority, and under an uniform organization and undivided control and responsibility, all the numerous bodies now engaged, more or less independently, on various duties connected with the proper Civil Police Administration of the country, and the ordinary guard and watching of property of every kind, in whatever department. For the proper performance of all the important services of a Police force, there must be unity of action and identity of system throughout the body to which these duties are entrusted. Economy in regard to numbers and finance can only thus be secured; while all the minor duties of guarding public property can be best and most economically performed by watchmen deputed from an organised and disciplined force.

That, therefore, notwithstanding any difficulties which may arise in changing existing usages, simplifying complicated systems, and arranging intricate details in the transfer of patronage and power from many departments to one, yet the paramount object of instituting one efficient system of Police should be persistently carried out.

7. That under the above view all separate establishments maintained for the watch and guard of jails (exclusive of the establishment of warders), of general and tehseel treasuries and escorts; and all River and Road Police, of whatever denomination, now in the pay of Government, should be gradually relieved and absorbed into the Constabulary, as the organization proceeds.

8. That the creation of an organized, efficient Police, and the establishment of an uniform and widely spread system of management will likewise supersede the necessity of such separate establishments, as those of the thuggee and dacoity departments, avowedly maintained, because the general Police is inefficient. These departments should gradually be absorbed into the Police, and the existing establishment of officers, officials, approvers, be distributed among the Police of the several provinces, so soon as the organization of the Police shall be sufficiently advanced to admit of it.

9. The Cantonment Police at Military stations should form no exception to this broad rule. Every duty now performed by the separate establishment maintained, should be undertaken by the regular Constabulary, strengthened, if necessary, by a subordinate European agency. The Police Officers should stand in the same relation to the officer commanding the station, or Cantonment Joint Magistrate (as the case may be), as to the district officer beyond the cantonment limits.

From Military Finance Commission, dated 28th August 1860.

10. That the views of the Military Finance Commission in regard to the duties to be performed by the Constabulary in *watching* military stores, &c., either in store or in movement, on payment

being made, should be adopted; that the lucid exposition of the principle which should govern such matters, for which this Commission is indebted to Colonel Balfour, be printed and appended to these propositions. And every facility should be afforded in military cantonments for giving effect to the views advocated by the Military Finance Commission; enabling Military Officers to avail themselves of the aid of the Constabulary in guarding or watching property of every description on payment.

11. That, further, all establishment of chupprassee, personal guards and orderlies, not required as revenue bailiffs and office attendants, should be incorporated with a Constabulary. The requisite number of men to attend the various officers, for all public purposes, will be supplied from the organized, disciplined and economized force; and will be under the immediate control of those officers for all business of their respective offices.

Municipal and Police not paid to Government.

11. That, besides the several bodies of Police hitherto in the service and pay of the Government, all other bodies of men employed as Police watchers should be brought under the organized Constabulary, from whatever source paid.

12. That all the men composing City Police forces, who are provided for towns of Bengal Presidency, by Act XX. of 1856; all men employed as Policemen over ferries or on main-roads, who are paid from Ferry collections or other sources; and every other Police, of whatever denomination, who receive a paid salary, should be provided from the organized Constabulary, and placed under the District Superintendent of Police.

13. That whether the constitution of the Village Police and the connection now existing between the land-holder or the village community and the village watchmen, should be preserved or no —the duty of supervising the Village Police in all their public duties should devolve on the District Superintendent, with the view

of securing a regular and punctual performance of those duties, and of making the village watch an useful supplement to the organized Constabulary.

14. That mounted bodies are exceedingly expensive as a part of a Police force. They are more lawless in character, and less amenable to control than a Foot Constabulary. That such a force is useful only where peculiar circumstances attach to the crime of a Province ; for instance, to check large organized bodies of lawless marauders ; but are not so useful for the ordinary, preventive, and detective function of the Police in orderly districts. That, therefore, a closely supervised patrolling Foot Constabulary is the proper basis of the Police force, and should be very sparingly supplemented by horse, *only* where the peculiar necessity for them can be clearly established. That existing establishments of Horse Police should be most carefully examined in each district, with a view to their being either dispensed with, or be placed on the lowest scale in regard to numbers,—these should be designated "Mounted Constabulary."

15. That no separate detective branch of the service be formed, and that every part of the Police be held responsible for every duty, preventive and detective, properly belonging to it.

16. That the Police thus constituted should form a separate department in each local Government or local administration, and, under the immediate authority and control of its chief. And, having an independent departmental organization and subordination of its own, be made an efficient instrument at the disposal of the district Officer.

17. That it is not desirable to have under the Supreme Government of India any executive department in connection with the Police, or any Officer in supersession of the functions and

responsibilities of the local Governments; but it is desirable, in order to secure "the control of the Government of "India, which should be confined to general "principles, and such other general supervision as may enable that "Government to preserve some uniformity of practice and due pro-"portion in the amount of expenditure allowed." That all returns, reports and references regarding Police Administration, be placed in *one* of the Secretariat Departments of the Supreme Government.

Extract of Government Memorandum.

18. That the Police under each local Government or Administration should constitute one force; and be under an officer to be styled Inspector General of Police; in whom should be vested, in communication with the Government, the organization of the establishment, and the responsibility of maintaining it in a state of efficiency, by proper attention to its discipline and interior economy, and to the general management of the force through its own Officers.

Inspector General.

19. That the Inspector General of Police, under the orders of his Government, and in communication with the district Officer, should estimate and arrange for the numbers and allocation of the Police of each district, and for the periodical re-adjustment, as circumstances may require, of these important matters. And the fixed allocation, once made, should not be altered, except as a joint arrangement of the Inspector General of Police and the district Officer; but the district Officer or Suprintendent of Police should be empowered to assemble any portion of the district force at any given place upon the occurrence of any emergency.

20. That the Inspector General of Police should be, with a view to affording information to Government, the centre of an intimate and constant communication with the district Officers in relation to all matters respecting the organization of the Police, and the internal preservation of the peace, and the state of crime in the country. But he should not be in any sense an authority, appellate, or otherwise, over them.

21. That, in consequence of the appointment of an Inspector General of Police to be the chief inspecting and controling power over the Police, the executive function of officers above the grade of Magistrate of district, namely, of Commissioners of divisions as Superintendent of Police, where such offices exist, should cease, as provided for in certain provinces by Act XXIV. of 1857. But it is not intended to limit in any way their general control over the criminal administration, or their authority over the Magistrates.

22. The Inspector General of Police should not hold any extraneous executive charge, nor be hampered with details, in order that he may be able to devote his whole time to personal supervision of Police in diffierent districts.

23. That such returns, statistics and reports regarding the state of crime, and the criminal administration, as the Inspector General of Police may require, should be furnished to him by the district Officer, in such manner as may be prescribed by the orders of local Government.

Superintendent of District Police.

24. That in every district under the jurisdiction of one Magistrate, there should be at least one European Officer of Police, to be styled District Superintendent of Police, who should be departmentally subordinate to the Inspector General of Police, in every matter relating to interior economy and good management of the force, and efficient performance of every Police duty; but bound also to obey the orders of the district Officer in all matters relating to the prevention and detection of crime, the preservation of the peace, and other executive Police duties, and responsible to him likewise for the efficiency with which the force performs its duty.

25. That on him should devolve the command and control of all the establishments of Police of every denomination within such district. He should be held answerable for all matters relating to

the interior economy of the force, for the physical qualifications and the general conduct of the men, for the maintenance of discipline, and the punctual execution of all orders of the Magistracy. On him, subject to the general administrative and judicial control of the district Officer, with whom he should be in constant and intimate communication, should likewise devolve the maintenance of the public peace, and the prevention and detection of crime.

26. That in such District Superintendent the promotion, suspension, and dismissal of Police officials should be vested, subject to the powers, from time to time, entrusted to him by the Inspector General.

Relative of Police and Magisterial Officers.

27. That, as a rule, there should be a complete severance of executive Police from judicial authorities; that the official who collects and traces out the links of evidence—in other words, virtually *prosecutes* the offender—should never be the same as the Officer, whether of high or inferior grade, who is to sit in judgment on the case; even with a view to committal for trial before a higher tribunal. As the detection and prosecution of criminals properly devolve on the Police, no Police Officer should be permitted to have any judicial function.

28. That the same true principle, that the Judge and detective Officer should not be one and the same, applies to officials, having by law, judicial functions, and should, as for as possible, be carefully observed in practice. But with the constitution of the official agency now existing in India, an exception must be made in favor of the *district officer*. The Magistrates have long been, in the eye of the law, executive Officers, having a general supervising authority in matters of Police—originally without extensive judicial powers. In some parts of India this original function of the Magistrate has not been widely departed from; in other parts

extensive judicial powers have been superadded to their original and proper function. This circumstance has imported difficulties in regard to maintaining the leading principle enunciated above; for it is impracticable to relieve the Magistrates of their judicial duties; and, on the other hand, it is at present inexpedient to deprive the Police and public of the valuable aid and supervision of the district Officer in the general management of Police matters.

29. That, therefore, it is necessary that the district Officer shall be recognised as the principal controlling Officer in the Police administration of his district. And that the Civil Constabulary, under its own Officers, shall be responsible to him, and under his orders, for the Executive Police Administration.

30. That this departure from principle will be less objectionable in practice, when the Executive Police, though bound to obey the Magistrate's orders *quoad* the criminal administration, is kept departmentally distinct and subordinate to its own Officers, and constitutes a special agency having no judicial function. As the organization becomes perfected and the force effective for the performance of its detective duties, any necessity for the Magistrate to take personal action in any case judicially before him, ought to cease.

31. That the word district Officer, as used in these propositions, means the chief magisterial Officer in charge of a *district*, and exercising the full powers of a Magistrate under the Regulations; such as Magistrates of Bengal, of the districts of the North-West Provinces, and Deputy Commissioners of Non-regulation Provinces, or by whatever other designation the Officer in executive administration of a district is styled.

32. That the district Officer is the lowest grade in whom Police and judicial functions should unite; and that, consequently, all

Officers below that grade, who are now invested with Police functions, should not hereafter exercise those functions, beyond issuing such order, as may be necessary in their judicial capacity in specific cases before them.

33. That the general responsibility for the well being of the district should continue to be vested in the District Officer, as the chief conservator of the peace of the District, the Police being made an efficient instrument placed at his disposal for the protection of life and property, for the suppression of crime, and the repression of local disturbances, and for the purpose of undertaking all the duties properly belonging to a Constabulary.

34. That in large districts, where the duties devolving upon the District Superintendent are so heavy as to demand the services of a second Officer, there should be appointed an "Assistant District Superintendent."

"Assistant District Superintendent."

35. That all the Officers hitherto named should be European.

36. That the subordinate force should be composed of men of following designations; with the duties hereunder concisely sketched :—

Organization of Constabulary.

1st. *Inspector of Police;* of various grades, one or more to be at the Head Quarter of the District Superintendent, to superintend drill and discipline, &c., the others to be in charge of Divisions, Towns, &c., and to supervise the performance of executive duties, go rounds, inspect posts and prosecute criminals. *These should be either European, Eurasian, or Native.*

2nd. *Head Constables,* to be in charge of Police parties, located at Station Houses, and having jurisdiction over a Sub-division of a District.

3rd. *Serjeant,* to be in charge of a party or a Sub-division subordinate to a Head Constable.

4*th*. *Constables*, to do the general duty of Police, who should be divided into three grades of pay.

37. That wherever practicable, the men of the Police Force should be enrolled from the Province in which they serve.

38. That every man should be enrolled for general service within the limits of the Local Government under which they serve.

39. That he should be enrolled without any conditions as to period of service, except that he shall not withdraw from the service without giving two months' notice.

40. That the force under each District Superintendent be called after the name of the District Police Force. All the Constables in each District Force should be numbered consecutively 1, 2, 3, and so on; the force in each District should be divided into appropriate Police Sub-divisions; each Sub-division to be directed by letters A, B, and so on.

Pay.

41. That under each Local Government an uniform rate of pay be established, and, though the rates of pay in different Provinces must occasionally vary, they should be assimilated as nearly as possible.

42. That the lower rank of the Constabulary Force should be divided into three grades; the lowest of which should receive pay equal at least to the average ordinary wages of unskilled labor of the Province.

43. That the pay of the Inspectors of Police, who will be the superior officers of the force, and practically the detective and prosecuting agency of the country, should be on such liberal scale, as will command the services of Europeans and East Indians of respectability and education, or of the higher class of natives, who

now enter the public service. The rate should be graduated, so as to afford promotion and retain permanently the services of eligible men.

44. The pay of the Head Constables and Serjeants should be sufficient to place them above temptation, and to make promotion to these appointments, an object of ambition. open to the inferior grades.

45. That horse allowance be allowed to all officers above the grade of serjeant.

46. That quarters should be provided for the Police at the cost of the State; and that the accommodation of the families of the Police should be discretional with the local Government.

47. That prospect of a pension, at the expiration of a long and faithful service, is essential, in order to the establishment of good spirit in the force—and to retain the service of men, who, from lengthened period of service, have acquired efficiency, and are most exposed to tempting offers of service in other departments of Government.

48. That a Superannuation Fund should be established on the same principles as founded amongst the English and Irish Constabulary, by a rateable deduction from the pay of every member of the force not entitled to pension, under the Uncovenanted Service Pension Rules.

Uniform.

49. That a suitable and inexpensive Uniform be prescribed for all grades of the Police under each Local Government, which should be worn on all occasions. The uniform should be furnished to all Officers of Police below the rank of Inspector at the cost of the State.

50. That if any article supplied by Government shall be improperly used or damaged by any policeman, a proportionable

deduction, at the discretion of the District Superintendent, should be made from the pay due to him.

51. That every Constable be in some portion of his uniform distinguished by his number in the District Force, and the letter of the Division in which he is serving.

52. That the Arms of the Police should be of the lightest and most handy description, namely, a light smooth bore carbine with a sword bayonet, and a sword to be used as a side arm.

Arms.

53. That the Police should be thoroughly trained in the use of their arms, as well as other branches of drill exercise; but the Police should never carry their arms except in the performance of any duty in which the carrying of their arms is prescribed.

54. That the Police should ordinarily carry a bâton or truncheon only.

55. That a revolver, or pistol should, at the discretion of the District Superintendent, be allowed to officers above the grade of Serjeant.

56. That the fire-arms and side arms of each Police party be kept at the station house; generally in the proportion of two swords and one carbine to every two Constables.

57. That all surplus arms be kept at the head quarters of the District Superintendent.

Local Distribution.

58. That the Police District shall form into Police Divisions.

2*nd.* Division into Sub-divisions and Sections;

3*rd.* Sections into rural *walks* or city *beats*, as the case may be

4*th*. That walks and beats be defined and numbered; and that arrangements be made for *extending* the walks and beat as circumstances require.

59. That the Police Districts, with their Divisions and Sections, be rendered corresponding to, and counterminous with the existing Magisterial jurisdictions.

60. That the residence of the District Superintendent be called the "*Head Quarter of District Police*," and that the station of a Head Constable be called a "*Station House*," and that all minor posts be called "*Outposts*."

Allocation.

61. That in the distribution of the force:—1*st*, the men must be kept together in sufficiently large parties to admit of well-paid and efficient control, and allow of sufficient numerical strength being readily at hand for any emergency, or being rapidly concentrated for extraordinary emergency; 2*nd*, each man of the force must have a certain known daily routine duty connected with the observation of the country which he has to perform, unless required for special duty; 3*rd*, that every part of the country, every village, halting place, highway and thoroughfare, shall be visited and inspected by the Constabulary, and the Village Police communicated with, if, possible, once in 24 hours.

62. That it should be lawful for the Inspector-General of Police, under the sanction of the local Government, to depute any part of the Police Force in excess of the fixed establishment to be quartered in any District or part of the Province in which, from the misconduct of the inhabitants, it may be deemed expedient to strengthen the Police; that the offending tract should be charged with the cost of the force then deputed.

63. That it should be lawful for the Magistrate or the District Superintendent, in communication with him, to depute any

portion of the Police Force of the District to any locality where disturbance may be anticipated, and to charge those whose conduct may have rendered this measure necessary with the cost.

64. That no private person or company should be permitted to keep up any body of men for the protection of life and property, if such men be, in the opinion of the Magistrate, likely to commit any breach of the peace; that, in the event of assistance being required, the Magistrate should be bound to depute a party of the Police for this purpose, charging the expense to the individual or company requiring that aid.

General Principles.

65. That all the members of the Police force should be bound to obey the lawful orders of the Magistrate, and that for neglect of duty or disobedience of orders, the Magistrate should have the power of inflicting Summary Criminal penalties; such sentence to be appealable in the usual course of Law.

66. That the Police should send to the Magistrate all such reports as he may require regarding crime and criminal administration. But the Magistrate ought not to require more reports, &c., than are absolutely necessary.

67. That no separate class of clerks, writers or ministerial officials shall be allowed in the Police; and that all duties connected with writing and account be performed by enrolled men of the Force.

68. That the Police should not be used as an agency for the record of any evidence, confession, inquest or the like; but a system of keeping faithful, accurate, and minute diaries should be maintained. These diaries should specify, concisely, but in detail, all duties in which any Police Officer may have been engaged, and every occurrence and information that may have required the

attention of the Police within their respective ranges. All Police Officers engaged in specific detective duties should keep an accurate and minute diary of every step taken, and every information obtained in following up the clue of evidence—such diaries should be Police documents only, and be sent to the District Superintendent, but should be open to the inspection of the District Officer.

60. That the Police be strictly forbidden, by law, to take cognizance of, or interfere with petty offences of any description, or otherwise interfere with the liberties or convenience of the people.

M. H. COURT.
S. WAUCHOPE.
H. P. PHAYRE.
W. ROBINSON.
R. TEMPLE.
H. BRUCE.

FROM

THE POLICE COMMITTEE

TO

THE SECRETARY

TO THE GOVERNMENT OF INDIA,

HOME DEPARTMENT.

SIR,

In continuation of our letter forwarded on the 8th instant, with its enclosures, to your address, we desire to submit a report on Village Police in India. We do not find that, in the instructions with which we have been favored, we are specially directed to report on this branch of Police matters. But the

subject of Village Police was prominently adverted to in Her Majesty's Government Despatch of the 6th July, and it is closely connected with the successful working of an organized Constabulary. We have therefore given our best consideration to the practical principles of Village Police in India, and we have embodied our conclusions in a brief series of propositions relating to the Village Police in general, and to the Village Police in each of the Provinces to which the experience of our several members extend. These we would desire to commend to the consideration of the Right Hon'ble the Governor-General in Council.

2nd. We are not prepared to affirm that the abstract *necessity* of a Village Police for India could be demonstrated, nor that, in a highly civilized country, with a comparatively perfect Police organization, such an institution as that of a Village Police would be indispensable. But, under the existing circumstances of all those Provinces of India, of which we severally have cognizance, we think that the institution must be maintained. And if the institution be maintained at all, there can, we apprehend, be no doubt that it ought to be maintained in real and thorough efficiency.

3rd. It may not be necessary that we should trouble the Government at any length with the reasons why we think that, under existing circumstances, a Village Police must be maintained. But we may advert, in the first place, to the well-known fact that the village watchman forms one of the institutions of that ancient village system which originally existed throughout India, and which is still in many Provinces fully preserved, while in none has it been utterly extinguished. In India prescription and custom have always carried special weight with the people. In every part of India the village watchman is found. In no part is he very efficient, though every where he may be useful. In many parts he has become inefficient and degraded. But as these watchmen exist universally, their numbers are, in the aggregate, very large. In many places it might be inconvenient to discharge them at once, even if their services could be spared, which is not indeed the case.

4th. In India, as elsewhere, it is necessary that the Government Police should be, as it were, "*en rapport*," and in intimate communication with the people. In the existing condition of the interior of the country, the organized Police cannot be informed of all that occurs of public consequence, unless they have some tolerably reliable agency in the villages. That the organized Police should have one of their body in every village or circle of villages, would be impossible, and, if possible, would not be desirable. On the one hand, a large augmentation of the Police force would be needed. On the other hand, policemen, scattered about among the villages, and isolated from control, would be oppressive to the people. It becomes therefore necessary that there should be some one among the residents of the village on whom the organized Constabulary can rely for information, through whom they can carry out their orders. The Village Watchman is, of course, just such a person. He is a man of the village; not enough of an official to be alien from or obnoxious to the villagers, and enough of an official to be amenable to system and reliable for duty. He possesses a sort of knowledge and a sort of influence which no Police agent could ever possess. And the people never regard him with distrust or dislike, but, on the contrary, consider him a useful personage and a necessary adjunct to the constitution of the village. Moreover, in Northern India, while the Village Police exists, the Magistrate can always hold the head of villages and other local chiefs more or less responsible for the conduct of the watchman, who is a man of the village; and also for the prevention of crime. In many parts of India the enforcement of this responsibility is of the utmost consequence to the success of administration. But if the Village Police were abolished, and regular Police agency substituted, this responsibility, though not destroyed, would be somewhat weakened.

5th. It is thus we conceive that so many experienced Officers consider the Village Watchman as an indispensable link in the chain of administrative control over the people, as in many respects the foundation of Police superstructure; and as an integral part of what has been called "village unity." There being then such an

institution indigenous to the country, the people are by the same prescription, and by what may be termed the common law of the land, bound to maintain such an institution. By ancient usage the Government of the day has in India always contributed to the maintenance of the Village Police.

The British Government has, in many provinces, amply performed its part in this respect, by authorising small landed grants for the purpose. It is therefore fully justified in insisting on the people performing *their* part also. Moreover, as Conservator of the public interests, the Government may, perhaps, be considered to be under a sort of obligation to guard, define, and maintain all municipal institutions of the country, and the Village Police is, in most parts of India, a municipal institution in the broadest sense of the terms.

6th. That the people are bound to give their *voluntary* support to such institutions, may be quite true. But it would not be politic in principle or theory to rely solely on voluntary effort to keep up such an institution as that of Village Police, which affects the public peace and the security of life and property. And by practical experience in India it is found that, wherever this institution has been left to rest on voluntary aid, its decadence and ruin has followed. And the more the country settles down under British rule, the more negligent do the people become in contributing of their own accord to the support of any public institution whatever.

7th. Lastly, the amount of work performed by the Village Police is so considerable that, if their services were dispensed with, additional Police agency would have to be entertained. There would be financial objections to the defrayal of the cost of such agency from the public revenues; and if local rates were raised from villages for a general fund to increase the Police Force, such measure would, we apprehend, be unpopular at the present time. But the lawful regulation, determination, and realization of cesses

or contributions, which have always existed, and this for a watchman, who belongs to and serves in the village for the immediate benefit of the villagers, ought to be cheerfully submitted to by the people.

8th. For all these reasons, which might be perhaps amplified with advantage, but which we have preferred to state succinctly, we conclude that the Village Police ought to be maintained in India generally. We have shown in our previous despatch how it ought to be brought into connection with the organized Police.

9th. If, then, the Village Police be maintained at all, we believe that (as already stated) it ought to be maintained in real and thorough efficiency. Of this we suppose that there can be no question. Experience in all parts of India daily proves that the maintenance of such an institution cannot be entrusted to private effort, or to public spirit; but must be actively undertaken by the State. In those parts of India, where the State has not interfered, the Village Police has, we know, sunk into a state of utter inefficiency, and sometimes of degradation. We will therefore mention briefly the leading conditions, which should, in our opinion, be observed by Government in the maintenance of Village Police.

10th. We believe, then, that the two guiding principles are,—*first*, that the local and popular character of the Village Watch should be preserved; *second*, that the Village Watch should be rendered efficient for local Police service. To secure these objects, it appears absolutely necessary

That the appointment or succession of the Village Watchman to the office should be regulated as far as possible by local custom.

That where the State has not, by grant of land or otherwise, provided for the support of the Watchman, either the land-holders or the residents of villages must make such provision, and that

where the Government provision is only partial, the residents must supplement it.

That the remuneration of the Watchman should be fixed by the district Officer in reference to local custom and to the rate of remuneration for unskilled labor in the locality, and that the said Officer should enforce and supervise its real realization.

That the Village Watchman be bound to obey the orders he may receive from the organized Police.

That the Magistrate or Police Officer have authority to *veto* the appointment or regulate the succession of the Watchmen with reference to fitness for service, and to dismiss him for misconduct.

That the responsibility of the villagers or their representatives, as established by law or custom, for the conduct of the Village Watch, or for the detection and prevention of crime, be strictly maintained.

11*th*. We believe that, if all the above conditons be observed, the Village Police will become as efficient as it can be made at present in India.

12*th*. In many parts of India the existing law, regulation or practice afford to the local authorities sufficient power for carrying out the object in view. But in those parts of India (such as the Lower Provinces of Bengal and the Madras Presidency), where the existing law is deficient in one or more important respects, we earnestly recommend that the requisite enactment be passed.

13*th*. Lastly, we recommend that, if the Government should be pleased to order the re-organization of the Civil Constabulary, the opportunity be taken in each province of carefully revisisng the Village Police, of defining the beat of each Watchman, of declaring

the terms of his appointment and succession, and of fixing his remuneration. We apprehend that the efficiency of the Police system generally would much depend on the care with which this important operation might be conducted. In many districts it is probable that the numerical establishment and the grants and allowance of the Village Police would be found to require much revision.

14th. The several propositions which have been alluded to above, and which are hereto appended, will, we hope, be of themselves sufficiently explicit.

15th. As regards Bengal Proper, we are fully aware of the serious difficulties with which the subject of Village Police is surrounded, and we have carefully considered the various proposals hitherto made for improvement of the Village Police in that province; we have especially attended to the Minute of Sir Barnes Peacock, recorded on the 6th March 1854, in which the following passage occurs :—

"I would not exempt the owners or occupiers of land from any "liability to contribute to the support of the Village Watchmen "which may attach to them, according to the custom and usages "which has prevailed in each village.

"The custom to maintain Watchmen seems to have existed "from the earliest times in every village. I cannot think that it "could ever have been intended that the maintenance of that class "of Officers should fall into disuse, or be considered as merely "optional with those who have always contributed to their support. "Where lands have been appropriated to their support, it should "continue to be so. When the Watchmen have been paid by "contributions from the village community, either in money or "grain, such contributions should be considered obligatory. I find "that the continuance of the Village Watchmen is contemplated by

"the regulations passed at the time of the Permanent Settlement, "although it does not appear that any provision was at that time "expressly made for their support."

We have endeavored to frame our propositions in accordance with the principle above expressed, in the sound truth and practical policy of which we fully concur. And we would urge that one or two alternatives must be adopted, namely, that either an enactment should be passed to give real and rigorous effect to this principle, or else that the existing watch, which is ineffective for any public purpose, should be treated as merely private servants, and that the State should look more strictly to the landholders for the punctual discharge of the duties already imposed by law. But we believe that this latter alternative would be found unsatisfactory or even nugatory, and we strictly recommend an enactment as above described.

16*th*. In the North-Western Provinces, Punjab, and Oude, the settlement of the land revenue have, by providing a maintenance for the Village Police, afforded to the Government every facility for introducing improvements into that branch of the Police of the country.

17*th*. In respect to the Madras Presidency, we have considered a variety of papers brought before us regarding the Village Police. And appended is a letter from the Inspector-General of Municipal Police to the address of the Board of Revenue, regarding the realization of fees for this Police. Having considered the circumstances and compared them with those existing in other parts of India, we believe that the remuneration of the Village Police in the Madras Presidency is in a most precarious condition, which can only be remedied by legislative action. And we strictly recommend that such action be taken as soon as possible.

18*th*. In conclusion, we would express our earnest hope that at this time, when Police organization is receiving so much

consideration, the Village Watch may obtain a share of attention. We believe the placing of the Village Watch on a proper footing, throughout India, to be a matter of great moment to the welfare of the country; and an important supplement to the measures we have already recommended.

(Signed M. H. COURT, *President.*
" S. WAUCHOPE,
" W. ROBINSON,
" R. TEMPLE,
" H. BRUCE, } *Members.*

CALCUTTA;
Police Commission Office,
The 10th September 1860.

PROPOSITIONS RELATING TO VILLAGE POLICE.

GENERAL.

1st.—That in those parts of India where Village Police exist, they ought to be maintained on a proper footing.

2nd.—That in all parts of India the Village Police are a Municipal Public Institution recognized by law.

3rd.—That they are an essential portion of the Public Police of the country.

4th.—That they have always been in connection with the regular Police, and that connection ought to be rendered as perfect as possible.

5th.—That if properly constituted, the Village Police form an important link between the Police and the people.

6th.—That in many parts of India the class of Village Policemen occupy such a position, that they could not be discharged without detriment to the general administration.

7th.—That, under existing circumstances, and so far as those circumstances shall permit, it is most desirable on the one hand to render the Village Police thoroughly efficient, and, on the other hand, to preserve their intimate connection and association with the people.

8th.—That wherever the existing law or regulations are insufficient for the thorough accomplishment of the above objects, legislative enactment should be supplied.

9th.—That one law cannot be made applicable to every province, because of various systems prevalent in different parts.

10th.—That the following remarks will be found applicable to the different provinces specified.

BENGAL.

A.—That in most parts of the Lower Provinces of Bengal, Zemindars cannot, by any existing law, be compelled to maintain Village Police.

B.—That in Bengal a Village Police does exist, though hitherto scarcely recognized by law, and most inefficently maintained.

C.—That the only way by which it is possible to secure a proper maintenance for the Village Police, is to provide an enactment, whereby the Magistrate may be enabled to levy and collect from the village residents the fees and dues they now pay as remuneration for the Village Police they now

appoint and entertain; and where maintained by the Zemindar, to secure to the Village Police enjoyment of the land assigned to him.

That in no case can a new cess or tax be levied, from the Land-holders of Bengal for village purposes, but a law should be passed, securing lands already assigned for the purpose, and rendering obligatory the payment of the dues now provided.

NORTH-WEST PROVINCES, PUNJAUB, OUDE.

1*st*.—That in these provinces the existing Village Police system should be maintained in all its essentials.

That the chowkeedar should be apppointed by the landholder, who is responsible for his conduct, the *veto* on appointment resting on Police Officer, who should also retain authority to dismiss.

That the grants of lands assigned for the Village Police should be examined, and measures taken to secure such as are assigned and granted.

That a system of cash monthly payment made by the Officers of Government tends greatly to efficiency of Village Police, and should be substituted for grants of land or grain payments, wherever practicable or desirable.

That the responsibilities of the landholders should be extended, and more strictly maintained.

MADRAS.

That in Madras many difficulties have sprung up from the hereditary character which has belonged to the Village Watcher body, and from their being employed on revenue duties. These should

be carefully and gradually rectified by revision of Establishment, placing the emolument on a secure footing, and by other measures. That they should be placed under the charge of one of the principal inhabitants, who would be responsible for the efficient discharge of their public duties. That a large portion of their emolument consist of fees which they collect from the villagers, and which are in part local cesses contributed by the people to their maintenance. That these fees are realized with increasing uncertainty, and their collection by the Village Watchers themselves is in every way objectionable. That they should be at once rendered obligatory by law, which would authorise their commutation and collection under the revenue regulations.

VILLAGE POLICE FEES.

FROM

W. ROBINSON, Esq.,

Inspector General of Mofussil Police,

To

THE SECRETARY TO THE

BOARD OF REVENUE.

SIR,

1. The difficulties which manifestly beset an attempt to draw an Act for the realization and commutation of the Village Police Fees are so great, that I beg that you will, with reference to the order of Government, dated 5th April 1860, No. 540, submit the following observations for the consideration of the Board of Revenue.

2. I am satisfied that it will be impossible to deal with the Police in the same Act with the Revenue Fees. They must, for many reasons, be separately treated.

3. The following is an abstract of the Police Fees, so far as I have yet been able to ascertain them, from Revenue returns. I have adopted the classification already used by Government, and divided them into *great* and *small* Fees—although the terms are not strictly correct. By the former are to be understood the joint contributions of the State and the people, consisting generally of a certain share of the estimated gross produce on which the Revenue Settlement was fixed. By the latter are meant the collections made by the Talaris* themselves from the Rayt; and these include a further share of the crop, as well as mixed and personal Fees. These last, it will be observed, are returned in very few Districts, and even in those they are very imperfectly ascertained. The sum returned in no way represents what is really exacted or drawn from the public.

District.	Great Fees.	Small Fees.	Total.
1. North Arcot ...	33,748	...	...
2. Chingleput ...	63,122	...	...
3. South Arcot ...	14,150	...	...
4. Trichinopoly ...	24,672	...	...
5. Bellary ...	32,211	...	...
6. Cuddapah ...	633	...	...
7. Tinnevelly ...	31,704	58,854	...
8. Coimbatore ...	...	12,457	...
9. Tanjore ...	45,658	...	...
Total ...	2,45,898	71,311	3,17,209

N. B.—The condition of the Fees in the other 9 Districts is not known to me. In all the above Districts unascertained, "small" Fees are likewise levied by the Talari. In the two Districts, of which returns have been made, the actual collection exceeds the return. In Malabar and Canara there are none.

* Village Watchers.

The Board will perceive that the *great* Fees vary greatly in the Districts; that in some nothing was set aside at the Settlement for the Police Establishment, while in some villages more is contributed than is requisite. In some Districts these Fees appear in the revenue "Dittum"*—but only on particular crops and lands, and at rates which vary in every village, but in practice are not adhered to. In other Districts there is no "Dittum," although a share of the crop is by immemorial practice claimable, but is very irregularly realized, by the Talari. Such is the present position of the *great* Fees—that of the *small* is still worse. There is no "Dittum" or record of them—they vary every where, not only in adjacent villages, but even in the same village from year to year; and any attempt to ascertain them now, would result in a general denial of their existence, or an assertion of their being purely voluntary. These *small* Fees, however, have unquestionably existed in all parts of the country from time immemorial—and they are, beyond all doubt, though a more fluctuating, still a not less inseparable portion of a public contribution to a public institution than the *great* fees, and a private individual can no more justify his withholding the one than the other.

5. The condition of the establishments is equally unsatisfactory. Single individuals absorb the Fees of ten to twenty and even more villages—doing little or nothing in return—hundreds of villages have neither Talaris nor Fees—frequently the number of Talari is out of all proportion to the real requirements of the village. And while Funds are really drawn from the people, which are probably nearly if not quite sufficient for all necessary purposes, the State is actually obliged to give out of the public Revenues and Lands, in order to restore and uphold a useful and wholly indispensable institution, which, by the immemorial usage and constitution of the country, the people ought, and in reality *do* contribute, in the aggregate, nearly enough, to support.

6. There is no question that the whole system of Police Fees was originally based on the principle (which Law and Order do not

* Register of Demands Land general and Roll.

cognize) of Black-Mail. It became the interest of Government to contribute its share to the *great* Fees of the Village Police, by allotting a portion of the gross produce of the land, because, under the early system of sharing the crops with the Landholders, it had an equal interest in making terms with the only thieves of the country. The people again contributed in addition the *small* Fees, to obtain security for their household and general property. Intimidation and the certainty of loss constituted at once the motive for payment and the engine of exaction. The portion which the Government contributed has generally been left in the hands of Landholders, who were responsible for the Revenues; but they have often really appropriated it, instead of paying it over to the Talari. The *small* Fees have shared the same fate. Circumstances have changed since these rates took their origin. The people are no longer so completely at the mercy of the thieving races of the community, and the Fees of both classes are now very generally withheld. The difficulty even of ascertaining, much more of collecting the Fees, such as they are, is extreme, and is increasing daily with the growing independence of the people and the greater security of property. In fact, every measure which the Government adopts to ameliorate the condition of the people, and to restrain licentiousness of the robber classes, enhances the difficulty and hazards the continuance of these useful contributions, which are, in fact, "*local rates*:" for we cannot recur in any shape to intimidation or lessen the security of property, in order to enforce their payment.

7. At the same time we cannot, in justice to the country, give up these local rates, whether *great* or *small*, however equivocal their origin. They are part of the constitution of the country—the wages of a most important constituent of the local institutions—and the obligation to pay them is a part of the common Law of the land, and familar to the people.

8. The question for decision is, how we are to deal hereafter with these Fees? and some principle of action must be decided on.

9. Two courses suggest themselves :

I. To continue as we are, with only such modification of the existing Law as will enable us to collect the Fees with the Land Revenue. What I have said above will show the impracticability of this course. The Law cannot deal with uncertainties and variable amounts. We do not even know what the Fees are in many cases, and in what they consist ; often they have disappeared, and we could not possibly ascertain, much less revive them. Evidence of their ancient existence could scarcely be expected, and we should be obliged to take the *onus probandi* on ourselves. Any attempt to adopt this course would be only to perpetuate the evils we now experience—would be demoralising and expensive—and so onerous as to be beyond the reach of any reasonable establishments to settle. Even if the fees could be ascertained, their *commutation* into money payments would present serious difficulties. We could not, in fact, in this country, commute the mixed and personal Fees—such as eggs, chickens, sheep, sheep's heads and skins—Fees on carts and goods, &c., &c. And, if we could, we should again be perpetuating existing inequalities and irregularaties.

The Fee principle bears a strong analogy to the tithe system of England, where commutation and systematic registration are now being carried out ; but great as are the difficulties and expenses there, those experienced here in following a similar course would be infinitely greater.

II. To abolish the Fees altogether, and in lieu of them establish a light and uniform local or Village Police cess rated on the Land assessment. The advantages of this system are self-evident—all would contribute rateably to support what all benefit by—the people would be saved all vexatious interference—the cess would increase with the prosperity of the country—the Collector would realise it easily with the land revenue—the Police could be altogether relieved from collecting their own emoluments, and Government, *acting in the interests of the community*, would be able to count on a certain resource, and to adjust the local establishments and expenditure according to the varying requirements of each

locality. A cess of six pies in the Rupee, or $3\frac{1}{8}$ per cent. on a Land Revenue of 350 lakhs, would bring in nearly 11 lakhs of Rupees —one of four pies, would yield nearly 8 lakhs, and one of three pies would produce $5\frac{1}{2}$ lakhs. Imperfect as my returns are, they give a total of Rupees 3,17,000, as the amount of Fees collected, but the returns of many Districts are blank, and there can be no doubt that a far larger amount of the public wealth is frittered away among the *army* of dissatisfied Village Watchers of more than dubious character now scattered over the country. The people, in fact, pay largely for work badly, and often never done, and the commonwealth loses the energies and services of thousands of able-bodied men.

10. The advantages of a cess of this kind to the people are obvious, and should, I think, overcome their known objections to Government taxation. The cess would be light, and they will get —what they have never yet got—the value of their money in the shape of an efficient and well regulated Police.

I advocate this alternative as the best, and, in fact, only course open to us. All that will be required, if this course is adopted, is an Act to authorise Government to abolish all existing Fees, and substitute for them a Police cess, ratable on the land revenue, at a rate not excceeding $3\frac{1}{8}$ per cent., or half an anna in the Rupee.

I have the honor to be,

SIR,

Your most obedient servant,

W. ROBINSON,

Inspector General of Mofussil Police.

OFFICE OF INSPECTOR GENERAL
OF MOFUSSIL POLICE:
Madras, 26th May 1860.

STATEMENT OF OBJECTS AND REASONS.

This bill is introduced with a view to facilitate improvements in the Police of India, in accordance with the views of the Police Commission, whose Report forms one of the papers which will be laid before the Council. The reasons for the measure will be found to be very fully stated in that Report and in the Government Resolution appointing the Commission.

H. B. E. FRERE.

The 3*rd October* 1860.

A BILL

FOR

The Regulation of Police within any parts of the British Territories in India, to which it may please the Governor-General in Council to extend its provisions.

Preamble.

WHEREAS it is expedient to make the Police Force an efficient instrument at the disposal of the Magistrate, for the prevention and detection of crime, and to re-organize the Police Force; It is enacted as follows:—

Interpretation.

1. The following words and expressions in this Act shall have the meaning hereby assigned to them, unless there be something in the subject or context repugnant to such construction, (that is to say)—

"District Officers."

The words "District Officer" shall mean the Chief Magisterial Officer in charge of a District, and exercising the full powers of a Magistrate under the Regulations, or by whatever designation the Officer in executive administration of a District is styled.

The words "Magisterial Officer" shall include all persons, within the Police District, exercising all or any of the powers of a Magistrate.

"Magistrate."

The word "Subordinate," as applied to Police Functionaries, shall mean District Superintendents and their Assistants.

"Subordinate."

The word "Police" shall include General and Village Police, and all other persons, by whatever name known, who exercise any Police functions

"Police."

The expression "General Police District" shall embrace any Province, District, Tract or Territory to which the operation of this Act shall be extended.

"General Police District."

"Property."

The word "Property" shall include any chattel, money, or valuable security.

Words importing the singular number shall include the plural number, and words importing the plural number, shall include the singular number.

Number.

"Gender."

Words importing the masculine gender shall include females.

"Person."

The word "Person" shall include a Company or Corporation.

"Month."

The word "Month" shall mean calendar month.

The word "Cattle" shall, besides horned cattle, include Elephants, Camels, Horses, Asses, Mules, Sheep, Goats, and Swine.

"Cattle."

II. The superintendence of the Police throughout the General Police District shall vest in and be exercised by the local Government, under the control of the Governor-General in Council; and, except as authorised by the local Government, under the provisions of this Act, no person, Officer, or Court shall be empowered to appoint, supersede, or control any Police Functionary; any Regulation, Act, or usage to the contrary notwithstanding.

Superintendence vested in Governor in Council.

III. The administration of the Police throughout the General Police District shall be vested in an Officer to be styled the Inspector-General of Police, and in such Subordinates, subject to the general control and direction of the District Officer, as to the local Government shall seem fit, who shall from time to time be appointed by the said local Government, and may be removed by the same authority; and who shall receive such salary as the Governor-General of India in Council shall allow.

Inspector-General of Police, &c.

IV. All powers not inconsistent with the provisions of this Act, which up to the passing of this Act belonged by law to the existing Police Authorities, shall be vested in the Police Authorities appointed under this Act. Provided always that no Police Functionary so appointed shall possess or exercise any Judicial or Revenue authority; and the duties and responsibilities of landholders and others as defined by law, shall apply to the Police appointed under this Act.

Powers of Police, &c.

V. The Inspector-General of Police shall be appointed a Justice of the Peace. He shall also have the full powers of a Magistrate throughout the General Police District; but shall exercise those powers subject to such orders as may from time to time be issued by the local Government. The local Government may vest any District Superintendent of Police with all the powers of a Magistrate within such limits as it may

Inspector-General to be appointed a Magistrate.

To act as such under the orders of Government.

District Superintendent may be appointed a Magistrate.

deem proper; but such Superintendent shall exercise the powers with which he shall be so invested only so far as may be necessary for the preservation of the peace, the prevention of crime, and the detection, apprehension, and detention of offenders, in order to their being brought before a Magistrate, and as far as may be necessary for the performance of the duties assigned to him by this Act.

In what cases he may act in that capacity.

VI. The entire Police Establishment under each local Government shall, for the purpose of this Act, be deemed to be one Police Force, and shall be formally enrolled; and shall consist of such number of officers and men, and shall be otherwise constituted in such manner, as shall be from time to time ordered by the local Government, subject to the sanction of the Governor-General of India in Council.

Constitution of the Force.

VII. The Inspector-General of Police may, from time to time, subject to the approval of the local Government, frame such orders and regulations as he shall deem expedient, relative to the general organization and distribution of the Force, the places of residence, the pay and rank, the classification, distribution, and particular service of the members thereof; their inspection, the description of arms, accoutrements, and other necessaries to be furnished to them; the collecting and communicating intelligence and information; and all such other orders and regulations relative to the said Police Force as the said Inspector-General shall, from time to time, deem expedient for preventing abuse of neglect, and for rendering such Force efficient in the discharge of all its duties.

Inspector-General to control Force and make rules.

VIII. The appointment of all Police Officers shall, under such rules as the local Government shall from time to time sanction, rest with the Inspector-General of Police and the District Superintendents, who may, under such rules as aforesaid, at any time dismiss, suspend, reduce, or fine to any amount not exceeding one month's pay, any Police

Inspector-General to appoint and dismiss.

Officer whom they shall think remiss or negligent in the discharge of his duty, or otherwise unfit for the same.

Police Officers to receive certificates of office.

IX. Every person so appointed shall receive on his enrolment a certificate in the form annexed to this Act, under the seal of the Inspector-General or such other Officer as the Inspector-General shall appoint, by virtue of which the person holding such certificate shall be vested with the powers, functions, and privileges of a Police Officer. Such certificate shall cease to have effect whenever the person named in it is suspended or dismissed, or otherwise removed from employment in the Police Force, and shall thereupon be immediately surrendered to his superior Officer or other person empowered to receive it.

Police Superannuation Fund.

X. There shall be deducted from the pay of every Police Officer, of a class not entitled to the benefit of the Uncovenanted Service Pension Rules, a sum, after such rate as the local Government shall direct, not being a greater rate than one anna in the Rupee, which sum so deducted, and also the monies accruing from the stoppages from the pay of Police Officers during absence from sickness or other causes, from fines imposed on Police Officers for misconduct, and from fines imposed by Magistrates and others upon drunken persons, or for assaults upon Police Officers, and all monies arising from the sale of worn or cast-off clothing, or other articles supplied for the use of the Police, or from any other miscellaneous sources which shall be permitted by the local Government, shall, from time to time, be invested in such manner and in such securities as the local Government may direct, and the interest and dividends thereof, or so much of the same as shall not be required for the purposes hereinmentioned, shall be likewise invested as aforesaid, and accumulate, so as to form a Fund to be called "The Police Superannuation Fund;" and shall be applied, from time to time, to the payment of superannuation or retiring allowances, or gratuities,

under such rules as may be passed by the said local Government: provided always that any Police Officer may be dismissed or removed without superannuation allowance; and that no Police Officer shall be entitled as of right to any allowance from this fund; or shall retain any right to a refund of any deduction made from his pay while he may have been a Police Officer.

Proviso.

XI. It shall be lawful for the Inspector-General of Police, or any District Superintendent, if they shall think fit, and subject to the general direction of the District Officer, on the application of any person showing the necessity thereof, to depute any additional number of Police Officers, to keep the peace at any place within the General Police District, at the charge of the person making the application, to be exclusively under the orders of the District Superintendent, and for such time as they shall think fit: provided always that it shall be lawful for the person, on whose application such deputation shall have been made, on giving one month's notice in writing to the Inspector-General or District Superintendent, to require that the Officers so deputed shall be discontinued; and such person shall be relieved from the charge of such additional force from the expiration of such notice.

Additional Police Officers employed at the cost of individuals.

XII. Whenever any Railway, Canal, or other public work, or any Manufactory or commercial concern shall be carried on, or be in operation in any part of the country, and it shall appear to the Inspector-General that the appointment of an additional Police Force in such neighborhood is rendered necessary by the behaviour or reasonable apprehension of the behaviour of the persons employed upon such work, it shall be lawful for the Inspector-General, with the consent of the local Government, to direct the employment of such additional Force; and to maintain the same so long as such necessity shall continue; and to make orders from

Appointment of additional Force in the neighbourhood of Railway and other works.

time to time upon the Treasurer or other Officer having the control or custody of the funds of any Company or person carrying on such works, for the payment of the extra Force so rendered necessary as aforesaid.

Quartering of additional Police in disturbed or dangerous Districts.

XIII. It shall be lawful for the Inspector-General of Police, under the sanction of the local Government, which shall be notified by proclamation in the Government Gazette, to depute any part of the Police Force, in excess of the fixed complement, to be quartered in any part of the General Police District which shall be found to be in a disturbed or dangerous state, or in any part of the General Police District in which, from the misconduct of the inhabitants, he may deem it expedient to strengthen the number of Police; and the inhabitants of the offending tract or part shall be charged with the cost of such body of men so deputed; and the District Officer shall assess the proportion in which such sum is to be paid by the inhabitants, according to his judgment of their respective means.

Payment of money for support of additional Police Force.

XIV. All monies paid or recovered in respect of any additional Force deputed, as is mentioned in the three last preceding sections, shall be paid into a fund to be called "The General Police Fund;" and shall be applied to the maintenance of the Police Force, under such orders as the local Government may pass. All sums of money payable under those sections, shall be recoverable by distress and sale of the goods of the defaulter, under the warrant of a Magisterial Officer, or by suit in any competent Court.

Special Police Officers.

XV. When it shall appear that any tumult, riot or outrage has taken place, or may be reasonably apprehended in any place, and that the ordinary Officers appointed for preserving the peace are not sufficient for its preservation and for the protection of the inhabitants

and the security of property in such place, it shall be lawful for any Police Officer, not below the rank of Inspector, to apply to the nearest Magisterial Officer, to appoint so many of the public or village servants, or residents of the neighborhood, as such Police Officer may require, to act as special Police Officers for such time and in such manner as he shall deem necessary; and it shall be the duty of such Magisterial Officer at once to comply with such applications.

Powers of special Police Officers.

XVI. Every special Police Officer so appointed shall have the same powers, privileges, and protection, and be liable to all such duties and penalties, and be subordinate to the same authorities as the ordinary Officers of Police.

Refusal to serve.

XVII. If any person being appointed a special Police Officer as aforesaid shall, without sufficient excuse, neglect or refuse to serve as such, or to obey such lawful order or direction as may be given him for the performance of his duties, he shall be liable, upon conviction before a Magisterial Officer, to a fine not exceeding fifty Rupees for every such neglect, refusal or disobedience.

Police Officers not to resign without leave or two months' notice.

XVIII. No Police Officer shall be at liberty to resign his office, or withdraw himself from the duties thereof, unless expressly allowed to do so in writing by the District Superintendent; or unless he shall have given to his superior Officer two months' notice in writing of his intention to do so; nor shall any such Police Officer engage in any employment or office whatever, other than his duties under this Act, unless expressly permitted to do so in writing under the seal of the Inspector-General.

Unlawful assumption of Police functions, personation of Police, &c.

XIX. From and after the passing of this Act, every person not being, or having ceased to be, a duly enrolled Police Officer, who shall unlawfully assume any function or power belonging to

the Police, and who shall not forthwith deliver up his certificate and all the clothing, accoutrements, and appointments, and other necessaries which may have been supplied to him for the execution of his duty; or who shall have in his possession any distinctive article of the dress or appointment directed to be worn exclusively by the Police force, without being able to account satisfactorily for his possession thereof; or who shall put on the dress of any Police Officer, or any dress designed to represent it or to be taken for it; or who shall otherwise personate the character or act the part of any Police Officer for any purpose whatever; shall, in addition to any other punishment to which he may be liable for any offence committed under the assumed character, be liable, on conviction before a Magisterial Officer, to a penalty not exceeding two hundred Rupees, or to imprisonment, with or without hard labor, for a period not exceeding six months, or both.

Duties of Police Officers.

XX. Every Police Officer shall, for all purposes in this Act contained, be considered to be always on duty, and shall have the powers of a Police Officer in every part of the General Police District. It shall be his duty to use his best endeavors and ability to prevent all crimes, offences, and public nuisances; to preserve the peace; to apprehend disorderly and suspicious characters; to detect and bring offenders to justice; to collect and communicate intelligence affecting the public peace; and promptly to obey and execute all orders and warrants lawfully issued to him by any competent authority.

Police Officer may arrest without warrant.

XXI. It shall be the duty of every Police Officer, and he is hereby authorized to arrest without warrant—

Person charged with or suspected of grave crimes.

1. Any person who is charged on credible information, or whom he has reasonable ground to suspect of having been concerned in any grave or forcible crime or outrage.

2. Any person who is charged with committing an aggravated assault, in every case in which he shall have good reason to believe that such assault has been committed, although not in his view, and that by reason of the recent commission of the offence, a warrant could not have been issued.

Persons charged with aggravated assault recently committed.

3. Any person committing, or attempting to commit, any breach of the peace, in his view, and who refuses to desist on being required thereto.

Persons committing a breach of the peace.

4. Any person found injuring the public buildings, roads, tanks, and water channels, or committing any offence punishable by law: provided always that, where such offence is of a slight and petty nature, it shall not be necessary for the Police Officer to arrest, if, from the circumstances of the case, there is no reason to apprehend that the party will abscond.

Persons found injuring public buildings, &c.

Proviso.

5. Any vagrant whom he shall find disturbing the public peace, or whom he shall have good cause to suspect of having committed or being about to commit a crime; all persons whose name and residence is unknown, or whom he may find by night lying or loitering in any high-way, road or other place, and who, in either case, are unable to give a satisfactory account of themselves.

Vagrants and suspicious persons.

6. Any person who assaults, resists or obstructs such Police Officer in the execution of his duty, or aids or excites others so to do.

Persons assaulting Police Officer.

7. All persons who, having been in legal custody, shall have escaped therefrom.

Persons escaping from legal custody.

8. All persons who are charged with having done any injury or damage to the person or property of another, and who refuse to give their name and residence, or who give one which there

Persons charged with an offence, refusing to give name,

is ground to believe to be false, may be detained solely for the purpose of ascertaining such name and residence, with a view to future proceedings.

Amends may be awarded for charges made on insufficient ground.

XXII. In every case in which any person shall be given in charge to a Police Officer, on a false or frivolous charge; or in which a false and frivolous charge shall be made to a Police Officer against any person; or in which any information or complaint shall be laid or made before a Magisterial or Police Officer, and shall not be further prosecuted; or in which, if further prosecuted, it shall appear to the Magisterial Officer by whom the case is heard, that there were no sufficient grounds for making the charge, such Magisterial Officer shall have the power to award a fine not exceeding fifty Rupees, or imprisonment for a period not exceeding one month, or both; or to award such amends not exceeding fifty Rupees, to be paid by the informer or complainant to the party informed or complained against, for his loss of time and expenses in the matter, as to such Magisterial Officer shall seem fit. And such amends shall be recoverable in the manner provided for the levy of fines.

Persons arrested without warrant to be taken to station-house until brought before Magistrate or bailed.

XXIII. Every person taken into custody by any Police Officer without warrant, except persons detained for the mere purpose of ascertaining their name and residence, shall forthwith be delivered into the custody of the Police Officer in charge of a Chowky or Station House, in order that such person may be secured until he can be brought before a Magisterial Officer to be dealt with according to law, or may give bail for his appearance before a Magisterial Officer, if the Officer in charge shall deem it prudent to take bail as hereinafter mentioned: provided always that, where bail is not taken, the prisoner shall be brought before a Magisterial Officer within twenty-four hours, unless circumstances render delay unavoidable.

Proviso.

XXIV. Whenever any person shall be brought in custody, without a warrant, to any Station House, at a time when he cannot at once be sent before a Magisterial Officer, and shall be charged with any bailable offence, or with any unbailable offence, of which it shall appear to the Officer in charge of the Station House or other superior Officer of Police that the prisoner is falsely accused, it shall be lawful for such Police Officer to release the accused on bail, or on his own recognizance, to appear before the Magisterial Officer when required.

Releasing on bail.

XXV. It shall be lawful for every Police Officer in charge of a Station, or other superior Officer of Police, to bind by recognizance any person to appear as prosecutor or as a witness before the Magisterial Officer by whom any grave charge is being or is about to be investigated; and if any such prosecutor or witness shall refuse to execute such recognizance, it shall be competent to such Officer to forward the person in custody to the Court of such Magisterial Officer.

Superior Officer of Police may take recognisance for appearance of prosecutor or witness.

XXVI. Every recognizance, so taken, shall be without fee or reward, and shall be conditioned for the appearance of the person thereby bound before any Magisterial Officer at such time and place as may be required; and the time and place of appearance, and the sum thereby acknowledged, not exceeding one thousand Rupees, shall be specified in the said recognizance, or in the condition thereof; and the Officer taking the recognizance shall return the same forthwith to the Magisterial Officer present at the time and place when and where the party is bound to appear.

Condition of recognizance.

XXVII. If from the absence of witnesses, or from any other reasonable cause, it shall become necessary or advisable to defer the examination of any case, or the further examination of any witnesses, it shall be

Remands.

lawful for any Magisterial Officer, from time to time, by his warrant, to remand the accused to the custody of any Police Officer, for such time as he shall deem necessary and reasonable, not exceeding eight clear days, to be secured in any Station House or Jail, or to be otherwise detained in custody, as to the said Magisterial Officer shall appear expedient: provided always that any such Magisterial Officer may order such accused party to be brought before him at any time or place before the expiration of the time for which such accused party shall have been remanded; or may discharge such accused party on his own recognizances, with or without sureties, conditioned for his appearance at the time and place appointed for such further examination.

Proviso.

XXVIII. It shall be lawful for any Police Officer without a warrant to enter and inspect all drinking shops, gaming houses, and other resorts of loose and disorderly characters; all premises of persons suspected of receiving stolen property; and locality, vessel, boat or conveyance in any part of which places he shall have just cause to believe that crime has been, or is about to be committed; or which he reasonably suspects to contain stolen property; and then and there to take all necessary measures for the effectual prevention and detection of crime; and to take charge of all property reasonably suspected to have been stolen, and of all articles or things which may serve as evidence of the crime supposed to have been committed; and to take charge of all unclaimed property.

Entering drinking shops, &c., without a warrant.

XXIX. Every Police Officer, not below the grade of Inspector shall, under such orders as may from time to time be issued by the Inspector-General of Police, be an Inspector of weights and measures, and may enter any shop or premises for the purpose of inspecting the weights and measures, and instruments for weighing, kept or used therein; and may seize any weight, measure, or instrument for weighing, which may have reason to believe is false.

Inspection of weights and measures.

XXX. No Police Officer shall receive any complaint of any petty offence; or take into his custody any person brought to him, accused of such petty offences, as trespass, assault, quarrelling, or the like; and it shall be lawful for any Police Officer to refuse to receive and act upon any charge of an offence of a grave character, if he shall, on enquiry made of the complainant alone, see good grounds for doubting its truth: provided always that, if the charge be not of such a nature as under ordinary circumstances would justify the Police Officer in refusing to receive it, the particular reasons for refusing it are to be recorded by such Officer at the time.

Police Officer not to receive complaints of petty offences.

Proviso.

XXXI. It shall be lawful for any Police Officer to lay any information before any Magisterial Officer, and to apply for summons, warrant, search warrant, or such other legal process as may by law issue, and may be expedient under the circumstances, against any person committing an offence against any law or enactment, or against any regulation for the protection of the revenue, or against any person committing or failing to remove any public nuisance or unwarrantable obstructions, keeping a disorderly house, harbouring thieves, disturbing the peace, obstructing the due course of justice, and the like; and to prosecute such offenders up to final judgment; provided always that any rewards, forfeitures, and penalties, or shares of rewards, forfeitures, or penalties, which by law are payable to informers, and all costs of prosecution which may by any enactment be awarded to the prosecutor, shall be paid into the "General Police Fund."

Police Officers may lay informations, &c.

Proviso.

XXXII. From and after the passing of this Act, all summonses, warrants, search warrants, warrants of commitment for trial, or order for escort and conveyance of prisoners, and all other processes issued by any Officer in any criminal proceeding, shall be directed and delivered to Officers of the Police alone; and such

All warrants, &c. to be executed by members of the Police Force.

processes shall be served and executed by them and none others; provided always that, in all cases of petty offence it shall be lawful for the Magisterial or other Officer issuing a summons to require the party applying for summons for the appearance of either the defendant or witnesses to deposit and eventually to pay any fee for such summons, and all costs incurred by the Police in serving such process, the same to be paid into the "General Police Fund" for the maintenance of the Police.

Warrant to be endorsed.

XXXIII. Where any such warrant, order, or process shall be directed or delivered to any of the said Officers, unless it be necessary for the due execution thereof that such warrant be executed without delay, the person receiving it shall deliver the same to any Officer authorised for that purpose, who shall take charge of it, and appoint by endorsement thereon one or more Police Officers to execute the same or endorse it to any other Officer for a like purpose; and every Police Officer whose name shall be so endorsed thereon shall have the same powers, privileges, and protection as if the same had originally been directed to him by name: provided also, that every such process shall be executed with all secrecy and despatch; and shall have full force in any part of the General Police District, except within the limits of the Supreme Court, without further formality or local endorsement; and that all Police Authorities shall every where be assisting in the execution of such process.

Proviso.

Services of summonses, &c.

XXXIV. Every summons, notice, or other criminal process may be served on the party named personally, or be left with some adult male member of his family, or a copy thereof may be affixed on some conspicuous part of his usual place of abode; and any party failing or neglecting to obey such summons or notice duly served, shall be liable, at the discretion of the Magistrate or Court that issued the process, to a penalty not exceeding fifty Rupees, unless

such person shall be able to prove that he was prevented by unavoidable accident or other satisfactory cause from obeying such summons, notice or the like.

XXXV. Any Magisterial Officer may, without issuing any summons, forthwith issue his warrant, to bring before him any person charged with an offence cognizable by him, or whose attendance it may for any reason be necessary to enforce, whenever it shall appear probable that such person will not attend unless compelled so to do.

Warrant without Summons.

XXXVI. A Police Officer executing a warrant of arrest shall notify the substance of the warrant, and if required so to do shall show the warrant.

Notification of substance of Warrant.

XXXVII. In making an arrest, the Police Officer executing the warrant shall not be required to touch or confine the person to be arrested, if there be submission to the custody by word or action.

Warrant how to be executed.

XXXVIII. After arrest the prisoner shall not be subjected to any more restraint than such as may be necessary to prevent his escape.

No unnecessary restraint.

XXXIX. Any Police Officer authorised by a warrant to arrest a person accused of any offence for which a warrant may issue on complaint, may break open any outer or inner door or window of a dwelling-house, whether that of the person accused or of any other person, in order to execute such warrant, if, after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance.

Breaking of outer door or window.

XL. If information be received that a person accused of any offence for which a warrant may issue, has concealed himself in a zenanah or female

Breaking open a Zenanah or female apartment.

apartment in the actual occupancy of women, the Officer employed to execute the warrant shall take such precautions as may be necessary to prevent the escape of the accused ; and if such person shall not deliver himself up, the Police Officer authorized to execute the warrant may break open the zenanah, and execute the process entrusted to him, giving sufficient notice to enable any woman in the zenanah to withdraw, affording her every reasonable facility for doing so.

Party arrested to be brought immediately to the authority mentioned in the warrant.

XLI. After arrest made, the Police Officer excuting the warrant shall, without unnecessary delay, bring the person arrested before the Magistrate or other authority described in the warrant.

No threat or promise to compel disclosure by party arrested.

XLII. No Police Officer shall offer to the person arrested any inducement, by threat or promise, or otherwise, to make any disclosure. But no Police Officer shall prevent the person arrested, by any caution or otherwise, from making any disclosure which he may be disposed to make of his own free will.

Police Officer may require assistance.

Penalty.

XLIII. If any Police Officer shall at any time find himself unable to effect an arrest, it shall be lawful for him to require any and every person present to assist and aid him in making the arrest; and any person who shall refuse or neglect to comply with such requisition, shall be liable, on conviction before any Magisterial Officer, to a fine not exceeding fifty Rupees, or to imprisonment for a period not exceeding three months, or both.

Penalties for neglect of duty, &c.

XLIV. Every Police Officer who shall be guilty of any violation of duty or wilful breach or neglect of any regulations and lawful orders of other

competent authority and not punishable under Section X. of this Act; or who shall cease to perform the duties of his office without leave, or without having given two months' notice, as provided by this enactment; or engage without authority in any employment other than his Police duty; who shall be guilty of prevarication in any judicial trial; or who shall maliciously, and without probable cause, prefer any false, vexatious, or frivolous charge or information against any individual; or who shall knowingly and wilfully, and with evil intent, exceed his powers; or shall be guilty of any wilful and culpable neglect of duty in not bringing any person, who shall be in his custody without a warrant, before a Magisterial Officer as hereinbefore provided; or who shall allow any person in his custody to escape; or who shall offer any unwarrantable personal violence to any person in his custody, shall be liable, on conviction by a Magisterial Officer, to a penalty not exceeding three months' pay, or to imprisonment with or without hard labor, for a period not exceeding three months, or both.

Penalty for receiving unauthorized fees, &c.

XLV. Any Police Officer who shall on any pretext or under any circumstance, directly or indirectly, collect or receive any fee, gratuity, diet money, allowance, or recompence, other than he may be duly authorised by the Inspector-General or other Officer acting under his order to collect or receive, shall, on conviction before any Magisterial Officer, be liable to a penalty not exceeding six months' pay, or to imprisonment with or without hard labor not exceeding six months, or both.

Penalty for extortion, &c.

XLVI. Any Police Officer, who shall directly or indirectly extort, exact, seek, or obtain any bribe or unauthorized reward or consideration, by any illegal threat or pretence, or for doing or omitting or delaying to do any act which it may be his duty to do, or to cause to be done; or for withholding or delaying any information which he is bound to afford or to communicate; or who shall connive at the

escape of any person in his custody; or who shall attempt to commit any of the offences above said; or shall be guilty of cowardice, shall be liable, upon conviction before any Magisterial Officer, to a fine not exceeding twelve months' pay, or to imprisonment with or without hard labor not exceeding twelve months, or both. Provided always that nothing in the three last preceding Sections shall be deemed to preclude such Magisterial Officer from committing for trial any cases of this nature too serious for his cognizance.

Penalty for obstructing a Police Officer in the execution of his duty.

XLVII. If any person shall assault or resist any Police Officer in the execution of his duty, or shall aid or incite any other person so to do, or shall maliciously, and without probable cause, prefer any false or frivolous charge against any Police Officer, shall, on conviction of such offence before any Magisterial Officer, be liable to a fine not exceeding two hundred Rupees, or to imprisonment with or without hard labor not exceeding six months, or both.

Certain duties of Police Officers.

Obstructions and nuisances in roads.

XLVIII. Any person who, in any street or road, thoroughfare or passage,, within the limits of any Town, commits any of the following offences, to the obstruction, inconvenience, annoyance, risk, or damage of the residents and passengers, shall, on conviction before any Magisterial Officer, be liable to a fine not exceeding fifty Rupees, or to imprisonment not exceeding eight days; and it shall be lawful for any Police Officer to take into custody without a warrant any person who within his view commits any offence—

Slaughtering cattle, furious riding, &c.

First. Any person who shall slaughter any cattle or clean any carcass in the streets; any person riding or driving any cattle recklessly and furiously, or training or breaking any horse or other cattle on or near any public road, to the danger of the passers-by.

Cruelty to animals.

Second. Any person who wantonly or cruelly beats, abuses, or tortures any animal.

Third. Any person who shall keep any cattle or conveyance of any kind standing in any road or street longer than is required for loading or unloading, or for taking up or setting down passengers; or who shall leave any conveyance in such a manner as to cause inconvenience or danger to the public.

Obstructing passengers.

Exposing goods for sale on roads.

Fourth. Any person exposing goods for sale on the road so as to obstruct passengers.

Fifth. Any person who throws or lays downs any dirt, filth, rubbish, or any stones or building materials; or who constructs any cowshed, stable, or the like, within the bounds of any thoroughfare; or who causes any offensive matter to run from any house, factory, dung-heap, or the like, into the street.

Throwing dirt into street.

Sixth. Any person found in any thoroughfare drunk and riotous, or incapable of taking care of himself.

Being found drunk in any thoroughfare.

Seventh. Any person who wilfully and indecently exposes his person, or any offensive deformity or disease, or commits nuisance by easing himself in or by the side of, or near any public street or thoroughfare; or by bathing or washing in any tank or reservoir not being a place set apart for that purpose.

Indecent exposure of person.

Eighth. Any person who neglects to fence in, or duly to protect any well, tank, or other dangerous place or structure.

Neglect to protect dangerous places.

XLIX. The Superintendent and superior Officers of Police may, as occasion requires, direct the conduct of all assemblies and processions in the public roads, streets, or thoroughfares; prescribe

Regulations of public procession, &c., and of carriages and persons at places of public resort.

the routes by which, and the times at which, such processions may pass; keep order in the public roads, streets, thoroughfares, ghauts, and landing places, and all other places of public resort; and prevent obstructions on the occasions of such assemblies and processions and in the neighborhood of places of worship, during the time of public worship, and in any case when the roads, streets, or thoroughfares, ghauts, or landing places, may be thronged or may be liable to be obstructed. They may also regulate the use of music in the streets, on the occasion of native festivals and ceremonies; and may direct all crowds of twelve or more persons to disperse, when they have reason to apprehend any breach of the peace; and every person opposing, or not obeying the orders so issued as aforesaid, or violating the conditions of any license granted by such Superintendent or other Officers for the use of such music, or for the assembling of any such body of persons, shall be liable to a fine not exceeding two hundred Rupees. Provided always that nothing in this Section contained shall be deemed to interfere with the general control of the Magistrate over such matters.

Licenses for use of music in streets.

L. In all cases of convictions under this Act, the Magisterial Officer trying the case shall be restrained within the limits of his ordinary jurisdiction as to the amount of fine or imprisonment he may inflict: provided always that such charges against Police Officers above the rank of a Constable shall only be adjudicated on by Officers exercising the full powers of a Magistrate.

Jurisdiction.

Proviso.

LI. Nothing contained in this Act shall be construed to prevent any person from being prosecuted for any offence made punishable on conviction by this Act; or to prevent any person from being liable under any other Law, Regulation, or Act, to any other or higher penalty or punishment than is provided for such offence by this Act. Provided always that no person shall be punished twice for the same offence.

Power to prosecute not affected.

Proviso.

LII. All fines and penalties imposed, and all sums of money recoverable under the authority of this Act, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender by warrant of the Magisterial Officer in manner provided by law.

Levy of fines.

LIII. All actions and prosecutions against any person, which may be lawfully brought for any thing done or intended to be done under the provisions of this Act, or under the general Police powers hereby given, shall be commenced within three months after the act complained of shall have been committed, and not otherwise; and notice in writing of such action, and of the cause thereof, shall be given to the defendant, or to the Superintendent or other superior Officer of the District in which the act was committed one month at least before the commencement of the action. And no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought, by or on behalf of the defendant; and though a decree shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant; unless the Judge, before whom the trial shall be, shall certify his approbation of the action: provided always that no action shall in any case lie where such Officers shall have been prosecuted criminally for the same act.

Limitation of action.

Proviso.

LIV. When any action, prosecution, or proceeding shall be brought against any Police Officer for any act done by him in such capacity, it shall be lawful for him to plead that such act was done by him under the authority of warrant issued by a Magisterial Officer. And such plea shall be proved by the production of the warrant directing the act and purporting to be signed by such Magisterial Officer. And the defendant shall thereupon be entitled to decree in his

Plea that act was done under a warrant.

favor, notwithstanding any defect of jurisdiction in such Magisterial Officer. And no proof of the signature of such official shall be necessary, unless the Court shall see reason to doubt its being genuine: provided always that any remedy which the party may have against the authority issuing such warrant shall remain entire.

Proviso.

LV. This Act shall take effect in any and every such District as the Governor-General in Council shall appoint by notification published in the official Gazette.

Scope of Act.

FORM A.

A. B. has been appointed a member of the Police Force under Act and is vested with the powers, functions, and privileges of a Police Officer.

ON THE

FINANCIAL AND EXECUTIVE ADMINISTRATION

OF THE

BRITISH INDIAN EMPIRE.

A Paper read at the UNITED SERVICE INSTITUTION, LONDON. *March*, 1859.

BY LIEUT.-COL. J. P. KENNEDY,

FORMERLY AN OFFICER OF THE ROYAL ENGINEERS, MILITARY SECRETARY TO THE LATE GENERAL SIR C. NAPIER, WHEN COMMANDER-IN-CHIEF IN INDIA, AND CONSULTING ENGINEER TO THE SUPREME GOVERNMENT IN INDIA FOR THE RAILWAY DEPARTMENT.

From the JOURNAL *of the* UNITED SERVICE INSTITUTION, *vol.* iii., 1859.

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POLICE AND CRIMINAL JURISPRUDENCE.

40. Having thus far dealt with the general principal of finance in India, we shall now proceed to consider some of the leading subjects of the Government executive adminstration in that country.

The two last years have given abundant proof that the military department is the first in importance, but it is a no less undeniable fact that the number, the organization, the discipline, and the efficiency of our Indian armies must mainly depend upon such a Police organization being established in aid of the Civil authorities *as shall enable the latter to enforce a due administration of the laws*, and as shall relieve the troops entirely from civil duties.

41. However Military the form of Government may be, there must be a Magistracy and Police force sufficient for the ordinary

control of the population, irrespective of the regular Military force. The organization and functions of these two classes of force should be on totally different principles. The Police for individual action, or to be employed in small bodies, as the moral representatives of order and law. The military to act in large physical masses, *only to be used as an agent of internal government*, when the barriers of law and order have been seriously invaded by some anarchical tendency in the people, and when moral restraint, backed by the minor Police force, has been overcome or seriously threatened.

42. The ablest commanders and authorities on Military matters have at all times resisted the employment of troops in those ordinary duties that ought to be executed by a well organized Police.

This subject has been a source of much *bitter discussion and irritation*, from time immemorial, between the Civil and Military authorities in our Indian Empire; of *innumerable ruptures and misunderstandings* where the public interests require *the most cordial sympathy and co-operation to exist.*

43. The records of the Irish Government administration would exhibit similar effects from similar causes. So long as deranging influences and defective Police in that country forced upon our army the duties of a Constabulary, so long were the people rebellious, *the regiments employed there ill-disciplined*, and the *military commanders dissatisfied and remonstrant.* As soon as the Police organization introduced under Colonel M'Greggor had time to produce its effects, *the evils vanished*, and the principle is as applicable to India as it was to Ireland, but more important would be its application in the ratio of the respective populations whose interest would be thus affected.

44. It is necessary here to give some idea of the Police department throughout India, and *in doing so we shall scrupulously avoid* the description of men opposed to or desirous of

criticising the administration of public affairs, and quote only the best informed and highest authorities in the Government itself, from time to time.

45. The earliest record to which it is requisite to refer on this subject is the Report of the Committee formed by Lord Auckland, when Governor General, in 1838, to investigate the state of the Bengal Police. The present Lieutenant-Governor of Bengal was a member of that Committee.

46. At para. 4, speaking of the improvements urgently required in the Police, the Committee state, "*That urgency is admitted on all hands;* but it arises more *from the unpopularity of our system*, AND THE GRIEVOUS OPPRESSIONS CONNECTED WITH ITS OPERATIONS, than from any increased disposition to crime on the part of the community at large," &c.

47. At para. 5, the Committee say, "The defects in question pervade every grade of the (Police) establishment. . . . The Magistrates are overwhelmed. The darogahs and their subordinate officers are corrupt; the village watchmen are poor, degraded, and often worse than useless; and the *community at large, oppressed and inconvenienced* in various ways, are not only disinclined to afford aid to the Police, but in most cases *had rather submit* QUIETLY TO BE ROBBED than apply to the Police officers for assistance to *apprehend the thieves*, or *to recover the stolen property*."

48. At para. 8,—"To the union of the office of *Magistrate and Collector* injurious effects are generally attributed. The union which formerly subsisted between the offices of *Judge and Magistrate* was not as prejudicial, because POLICE *was the primary* object of the Judge and Magistrate, *but it has been* SECONDARY WITH THE MAGISTRATE AND COLLECTOR. Civil buisness, it has been observed, can wait; but the Government cannot wait for its revenue. In

neither case, however, is such a union desirable. If there be more business upon the whole than one man can perform, *a part must be neglected; and it has happened in both instances,* and must be invariably the case, *that the neglected portion is that in which the Government for the time happens to take the least interest.*"

49. At para. 9 they say, "Mr. W. A. Pringle, in his letter of the 7th Feb. 1837, has remarked upon this point as follows:—" 'While the revenue department is, as it ought to be, considered of such primary importance, it is in vain to expect that Police will be anything but a secondary consideration with a Collector and Magistrate.' "

50. At para. 10,—" Moreover, a deputy is not always afforded, and in such cases the whole of the double duty falls upon one and the same individual, who is likewise in some districts *Collector of Customs, Superintendent of Salt Chowkees, Deputy Opium Agent,* and has charge of the abkary and stamp departments."

51. At para. 12, speaking of the offices of Magistrate and Collector, they say, " The majority of the Committee, in concurrence with almost the whole of the gentlemen, both in and out of the Service, who have been asked their opinions on the subject, think decidedly that the efficiency of both departments would be much better secured, generally speaking, by intrusting the superintendence of each to a distinct functionary."

52. At para. 18,—"The next defect we have to refer to as exercising a very baneful influence on the efficiency of the *Police,* and the comforts of the inhabitants, *is the great extent of country over which the jurisdiction of each Magistrate extends. This not only places it out of his power, except very rarely, to hold any personal communication with the people under his charge at their own homes, or to become acquainted with the remoter*

localities of his district, but it also prevents him from exercising ANY EFFECTUAL CONTROL OVER THE CONDUCT OF HIS THANNADARS, *his only instruments for preserving peace and good order, who are,* in consequence, NOTORIOUSLY CORRUPT, and often THE OPPRESSORS OF ALL AROUND THEM. It is also in a great measure the source of that dislike so generally entertained to having anything to do with Police matters, *inasmuch as the intolerable inconvenience to which prosecutors, witnesses, and defendants at a distance are exposed, from the necessity in every case of attending the magistrate's cutcherry, is owing to that cause.*" On the latter point Mr. Ross observes, in his Minute of the 22nd May 1832, "Not only are there no inducements held out to the people to give their aid in support of the Police, but, on the contrary, *our* REGULATIONS *have the effect of making them endeavor to conceal offenders.* This is really the effect of the existing provisions for administering criminal justice, *which effect they produce by subjecting the people to the most serious hardships whenever offenders happen to be apprehended.* The hardships alluded to are much more severely felt than would seem to be supposed; *and their effect is not only to prevent the establishment of a good Police,* BUT TO CREATE DISLIKE TO GOVERNMENT. *Under the existing regulations,* IN ALL CRIMINAL PROSECUTIONS, the prosecutor and witnesses must *give their evidence in the Magistrate's cutcherry.* IN THE MOST TRIVIAL CASES *they are compelled to undergo the fatigue of a journey to the station of the Magistrate, in many cases exceeding a distance of* 100 *miles, to submit to* THE HARASSMENT OF A DAILY ATTENDANCE IN THE MAGISTRATE'S COURT FOR WEEKS TOGETHER,—*it being in almost every case found necessary, in order to procure the attendance of those who are required to appear as prosecutors and witnesses, to seize and send them to the magistrate's station under the charge of burkundauzes, and, while there, to* KEEP THEM UNDER RESTRAINT, AND SOMETIMES IN CONFINEMENT, *on the pretext of accommodating them with lodgings.*"

VILLAGE POLICE.

53. At para. 45 the Committee observes: "We now come to the most important subject connected with the Police of Bengal, namely, the state of the chowkeedary establishment. *In some districts their numerical strength appears to be very great, yet they are utterly inefficient, and have been described in the most unfavorble terms.*" Mr. W. T. Hawthorn, Judge of Zillah Cuttack, in his letter already referred to, observes, "*That from the total absence of any supervision over the Village Police* for a series of years, it may be said that at present such a body does not exist. The race of people denominated chowkeedars *retain the name apparently to blind the people as to their real character.* They are employed during the day to assist the zemindar in collecting his rents, *and at night they act as the agents* of notorious characters, *to point out* where property is to be found. They seldom realize by honest means above one or two Rupees per mensem at the utmost, and are therefore always ready to connive at offences on the promise of getting a share of the stolen property. It is not an uncommon trick amongst the chowkeedars to apply for leave of absence before a burglary or dacoity takes place, to quiet suspicion against them, after having informed where property is to be found, and the time and manner in which the theft can be accomplished, with the least chance of detection to the parties concerned."*

54. At para. 46.—Mr. Hawkins, in his letter dated 11th January 1837, says, "*Many a Magistrate must have observed that a man has turned chowkeedar merely because it gives him an excuse for leaving his home at night, in order that he may go upon his thieving expeditions.*"

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* In Lower Bengal alone this branch of the *Police* numbers 164,877. See Despatch from Government, 14th May, 1857, page 54. This gives over one of these Police bandits to the square mile, as they are pretty equally distributed.

55. In a Minute by Sir George Clerk, when Governor of Bombay, on the subject of Police in that Presidency, and dated 28th April 1848, we find the following :—

At para. 1.—" It seems to me that the Police throughout this Presidency is on a footing in several respects most unsatisfactory."

At para. 4.—" Here we have signal proofs of the influence of our present system of Police, &c."

At para. 5.—"Thus the insecurity of the high roads throughout the greater part of this Presidency has become lamentable."

At para. 9 to 15 is given the numerical force of Police in the Bombay Presidency, amounting to 71,989 individuals, and costing £244,269, exclusive of some irregular corps then employed on Police duties.

This Minute makes some very important suggestions for the correction of abuses.

56. The present Lieut.-Governor of Bengal, in his Minute of 30th April 1856, states at para. 3, in reference to the Thanna Police, numbering about 9,000, placed at 484 stations, in a territory of 150,000 square miles, having a population of 35,000,000. " For what after all has been done to improve the Police during the last thirty years? We have ceased, it is true, to expect integrity from darogahs, with inadequate salaries and large powers, surrounded by temptation and placed beyond the reach of practical control; and we have somewhat curtailed the excessive and unmanageable extent of our Magistrates' jurisdiction by the gradual establishment of thirty-three sub-division Magistrates."

57. At para. 10, referring to the Village Police, of whom there are 164,877 in his districts of 150,000 square miles, he states, " Village

watchmen are now declared to have no legal right to remuneration for service, and (the help of the Magistrate being withdrawn) they have no power to enforce their rights, even if they had any right to enforce. *Hence they are all thieves or robbers, or leagued with thieves and robbers, inasmuch that when any one is robbed in a village, it is most probable that the first person suspected will be the village watchman!"*

58. And at para. 13, in referring to the general statistics of three given years, he shows that 1,130 of the Village Police were convicted of crimes, when, according to the ratio of their numbers, as compared with the crimes commited by the entire population of the same districts, the number for the Police would have been but 321, or little over one-fourth of what they were; whilst of the 1,130 crimes committed by the Police, 19 were murder and thuggee; 39 burglaries; 357 robbery and theft,—that is to say, "nearly one-fourth more in proportion to their number for these heinous crimes than were convicted in all the lower provinces of Bengal for all offences of every kind."

59. On the 24th September 1856, the Court of Directors addressed a Despatch to their Governor-General in India, from which the following are extracts:—

Para. 1.—"Our attention has been directed, on various occasions of late, to the character and proceedings of the Police in different parts of India, and the reports, which from time to time have been laid before us, have combined, with many incidental notices of failure or abuse, *to deepen the conviction, that an immediate and thorough reform of Police* IN ALL THE OLD PROVINCES OF BRITISH INDIA IS LOUDLY CALLED FOR. Para. 7.—"*That the Police in India has lamentably failed in accomplishing the ends for which it was established is a notorious fact;* THAT IT IS ALL BUT USELESS FOR THE PREVENTION, AND SADLY DEFICIENT FOR THE DETECTION, OF CRIME, IS GENERALLY ADMITTED. UNABLE TO CHECK CRIME, IT IS,

WITH RARE EXCEPTIONS, UNSCRUPULOUS AS TO ITS MODE OF WIELDING THE AUTHORITY WITH WHICH IT IS ARMED FOR THE FUNCTIONS WHICH IT FAILS TO FULFIL, *and has a general character for corruption and* OPPRESSION. *There is, moreover, a want of general organization; the force attached to each division is too much localised and isolated, and the notion of combination between any separate parts of it,* with the view of accomplishing the great objects of a body of Police, is seldom entertained."

60. The most important documents connected with this subject, because they deal with remedies for the defects they expose, are those accompanying a Minute by the present Governor-General, dated 14th May, 1857 relating to the system of Police in the Bengal Presidency; and amongst these the very admirable Minutes by the Honorable J. P. Grant, Member of Council of the Supreme Government in India, are of inestimable value.

The following are extracts from his Minutes of 23rd November, 1854:—

61. At para. 11 Mr. Grant says, "I do not think that those general and obvious objections to the union of *fiscal police,* and *judicial powers, in the same* hands, which are admitted to have weight, and which rule the practice in all the well-governed countries of the West, are inapplicable in any part of India. At this moment, in the Madras Provinces, an inquiry is on foot into the truth of a charge that has been made formally in Parliament, to the effect that, in those provinces, where magisterial and fiscal power are in the same hand, the Government revenue is systematically raised by the use of torture inflicted by the native officers vested with these double powers."

62. At para. 20,—" According to my ideas, it ought to be our *fixed intention,* as soon as possible, to dissever wholly the *functions* of *criminal judge from* those of *thief-catcher* and *public prosecutor,*

now combined in the office of Magistrate. That seems to me to be *indispensable as a step towards* ANY *great* improvement in our criminal jurisprudence ; and ANY change of system to be made meanwhile, *should be* contrived, I think, with *regard to this fundamental reform.*"

63. At para. 27,—" In one way only has any progress been made towards supplying the one grand want of the Bengal system, namely, in the establishment here and there, in excessively large districts, of a small number of *sub-divisions*, presided over by an Assistant to the Magistrate or a Deputy Magistrate. *I would work out this one sound improvement to the utmost.*"

64. At para. 28,—" Every district is already divided into several moonsiffships. I would give every moonsiff criminal judicial powers to a certain extent."

65. para. 29,—" Every district is already divided also into *thannas, but these thannas are often very large. I think* no thanna station should be more than ten or twelve miles from its neighbour on any side."

66. At para. 30,—" *Every district should be wholly cut up into sub-divisions. Over every sub-division there should be either an assistant or an officer such as is now called a Deputy Magistrate,* to superintend the thannadars, and to control the Police of the sub-division*, BUT WITHOUT ANY JUDICIAL POWER WHATEVER. These appointments should be reserved for the future as rewards for the best conducted of the thannadars. If we make this service as hopeful as the native judicial service, why should we not have as good native Deputy Magistrates as we now have Principal Sudder Ameens, and as good Thannadars as we now have Moonsiffs? If we do not make service hopeful, what right have we to expect it to be good?"

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* This literally means a *Police Sub-inspector*, who ought not to be termed a *Magistrate.*

67. At para. 31,—"Sudder Ameens are now located at the sudder stations, exactly where respectable officers of their sort are least wanted. I would increase their number and place one in each sub-division, with jurisdiction over the whole sub-division, and with criminal judicial powers to a certain extent,—say up to one year."

68. At para. 32,—"At the sudder station, at his head quarters, I would place the officer now called Magistrate,* denuded of all criminal judicial powers whatsoever, and restricted to the duties of looking after the sub-division officers, and the thannadars and subordinate policemen, of discovering crime and of prosecuting it in heavy cases to conviction. At the sudder station also would be tried, by Principal Sudder Ameens, Assistants, Joint Magistrates and Deputy Collectors, and Judges (by Collectors also having powers for the purpose, if any Collectors have time enough to spare), all the cases of too grave a nature to be tried by Moonsiffs and Sudder Ameens in the thannas and sub-divisions."

69. At para. 34,—"If any one acquainted with the Mofussil will endeavor to realize to himself the state of things such as it would be under the above system, and then to compare that with the existing state of things in which *nobody can be lawfully tried for stealing an egg or for giving an impudent boy a cuff on the head without coming in perhaps* 70 *or* 100 *miles, with all the witnesses, to the sudder station,* I think he would admit that my plan would be an improvement. My system of criminal procedure would not be perfection, but it might be introduced in three months' time with the greatest ease and at a small expense. The existing system of criminal procedure, to speak of it in moderate language, is not like the system of a country administered by rational beings."

70. The following are extracts from the Honourable J. P. Grant's minute of 9th April 1857 :—

At para. 20,—"There is no longer any question as to the necessity of separating the functions of revenue and those of criminal justice, so far as native functionaries are concerned. This one decisive

* This means a county or chief Inspector of Police, not a Magistrate.

effect the Torture Report has had upon the European mind universally."

At para. 21,—"I see not how incongruity of system and invidious and offensive class distinctions are avoidable if the union in European hands is persisted in."

71. Such was the objectionable character of the Police force, as put forth in the preceding Government Reports, and brought prominently before the public and Parliament of England by the revelations of the Madras Torture Commission, as to determine the late Court of Directors that a reform must at once be established. The question was, what that reform should be? Mr. Grant felt that the evil went deeper than a mere Police derangement; that it seriously impaired the administration of criminal justice by the union of incompatible functions in the same individuals,—the magistrate or criminal judge holding the office of chief of police and in some districts the three offices of tax collector, Police Officer, and criminal Judge or Magistrate. His recommendations urge, most vehemently and unanswerably, the necessity of severing those functions wherever they are combined, and placing each department under a separate control, totally distinct from the others.

POLICE REFORM.

72. Sir Charles Napier was the first to prove in his practice, that a sound principle of police organization could, without difficulty, be applied to India. His earliest efforts in the administration of Scinde were successfully devoted to effect that vital improvement, and his example has been more or less adopted on the subsequent acquisitions of territory.

In a communication addressed by him in 1846, when Governor of Scinde, to the President of the Board of Control, we find the following :—" To secure the peace of the country, and avoid disseminating the troops, which would render them familiar with the people, and possibly diminish the wholesome fear of our power, I established a Police of 2,400 men, well armed, drilled, and divided into three classes,—one for the towns, two for the country, the

84 A diagram will best explain how the judicial police, and all other districts having in view circuit courts and sessions, with departmental supervision and subordinate control can be best formed to produce a general harmonious and mutually sustaining action throughout [*see Diagram*, p. 70] ; how, in fact, Mahomet is to be taken to the mountain instead of continuing the effort to bring the mountain to Mahomet.

85. The British Indian territory of 837,412 square miles at present contains about 166 collectorates or departmental districts, answering, in their general objects, to English counties. Their defects are,—*first*, great inequality in their comparative size and the duties they impose ; *second*, deficiency in their combination into superior government districts or provinces ; *third*, deficiency in their sub-division into inferior departmental and subordinate districts, as Baronies, Petty Sessions, Police Districts, &c.

COUNTIES.

86. In seeking to establish order out of the elements now existing, it is requisite to keep within the most moderate limits (that will admit of practical supervision) the number of superior districts requiring able and highly-paid heads of departments. These we shall term counties, and estimate their number at 104, each having a radius of about 45 miles, and each being furnished with a head of every principal department, judicial and executive, whose jurisdiction and control would be respectively limited within the county boundary, the most distant point being within a six hours' ride or drive from the centre, and the stations of the subordinate deputies about four hours' distant.

PROVINCES.

87. Four such county districts would form one convenient sized province of 32,400 square miles, under the general charge of a Government Commissioner, thus making 26 separate Government provinces for the entire British Indian territory, each Commissioner being within about eight hours' ride of the centre of each of the four counties under his charge.

Baronies.

88. The first sub-division of the county or departmental district would be into nine baronies of 900 square miles each, or spaces 30 miles square, the centre of which would be within two hours' ride of the extreme boundary.

Petty Session Districts.

89. The sub-division of baronies [*see Diagram*] might be either into nine of 100 square miles, or five of 180 square miles, or four of 225 square miles each, as petty sessions districts, elementary Police districts, &c., according to the density of population. These are respectively shown on the diagram. Nine would, of course, be the most convenient, as bringing the central point within 5 miles of the district boundary; five would bring the central point within an average of 6¾ miles from the boundary; four would bring the central point within 7½ miles of the boundary. As regards the numerical strength and cost of the Constabulary force, the division of the boundary into nine, five, or four Police districts would make each county contain 81, or 45, or 36 Police stations, and, allowing 25 men per station, with the requisite reserves, the cost for the entire territory of British India would vary from 4½ millions per annum for 81 stations per country to 2,721,533*l.* per annum for 36 stations per county, the latter sum being about the aggregate cost from all sources of the present defective thanna and village Police of India taken together.

This financial comparison would probably be conclusive as to the adoption of a division of the barony into four petty sessions and Police districts, a division of which no one would have a right to complain, as regarding the administration of justice, it would bring the inferior circuit civil and criminal courts, within 7½ miles of the most distant inhabitants of the land, and, as regarding the efficiency of the Police and other executive departments, it would bring those in charge of such districts within 7½ miles of their boundary.

We shall, therefore, adopt for further detailed consideration the principle of dividing the barony into four sub-districts for Police petty sessions, and other administrative purposes.

Diagram to Illustrate a Division of Territorial Districts in India
Suited for Civil, Criminal and Appeal Circuit Courts.
Police organization and Control, Revenue Collection, General Government
Supervision of all Departments, Military occupation of the Country
And for the acquirement of Statistical Information

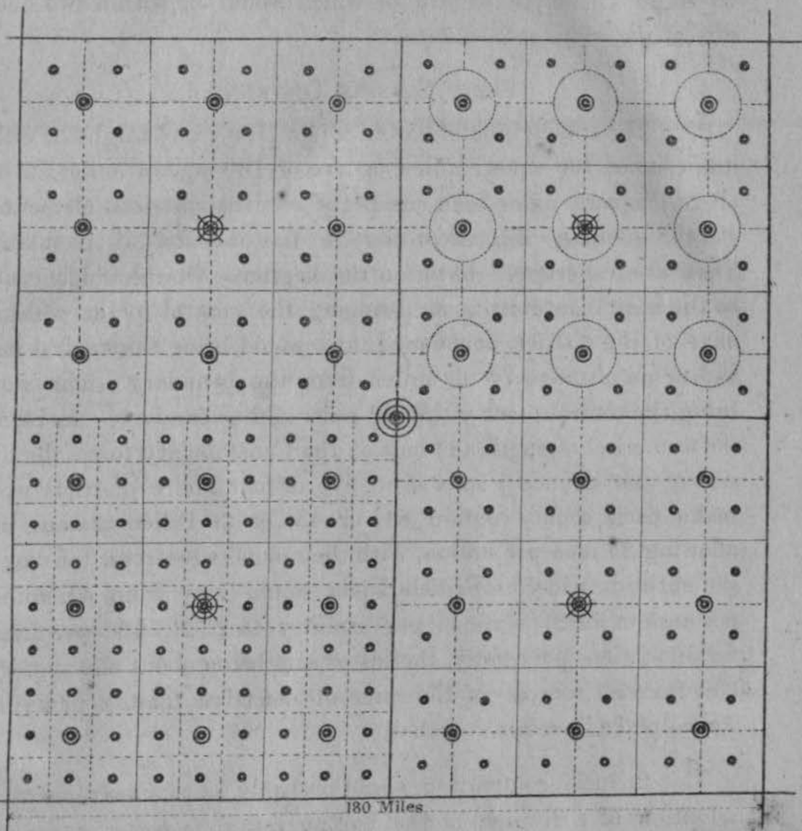


Diagram contains one Province of 32400 Square Miles Average Population 5000.000.
British India 837.412 Square Miles would form 26 similar Provinces.

Centre of Province, Radius of Inscribed Circle 90 Miles. A Government Commrs. District and a Military Brigade district contains 4 Counties.

Centre of County, Radius 45 Miles contains 9 Baronies. A Circuit for Superior Civil Criminal and Appeal Courts, to sit at Centre of each Barony.

Centre of Barony Radius 15 Miles, contains 9. 5 or 4 Petty Sessions Districts. A Circuit for Inferior Civil and Criminal Courts, to sit at Centres of Petty Sessions Districts.

Centre of Petty Sessions Districts, Radius 5. 6¾ or 7½ Miles, Petty Sessions District to contain 9 Elementary School Districts.

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Police Establishment and Organization.

90. The principal officer in charge of the entire Police of the county might be called the County Inspector. Of these there might be three classes, of which the salaries might be respectively 1,000, 800, and 600 rupees per month, giving one first-class inspector, one second-class, and two third-class inspectors to the four counties of each province; these might be in the first instance selected from field-officers or captains in the army.

Under the county inspector there should be nine sub-inspectors, one in charge of each barony. They should stand in three classes, of which the salaries might be respectively 500, 450, and 400 rupees per month, giving to each county one sub-inspector of the first-class, one of the second, and seven of the third.

Under each barony sub-inspector there should be four chief constables, each in charge of the Police party of twenty-five men in an elementary police district of $7\frac{1}{2}$ miles radius, co-terminous with a petty session district. The chief constables should be natives, promoted by merit from the inferior grades, and being eligible, if deserving, of promotion to the higher ranks of sub-inspector and inspector. There might be three classes of chief constables: the salary of the first-class being 150 rupees per month, the second 100, and the third 80; and their proportion being one first-class, one second-class, and two third-class for the four stations of each barony.

Under the chief constables there might be three classes of constables, receiving 16, 14, and 12 rupees per month, and three classes of sub-constables, receiving 9, 8, and 7 rupees per month respectively. There would be also a proportion of mounted constables and sub-constables, receiving 20 rupees additional to the pay of their rank and class per month. This classification would have an important effect, by keeping constantly before the men the fact of frequent promotion for meritorious conduct, with a perfectly understood principle that the highest position in the force would be open to the exertions of every man in its ranks. The following Tables give the details in a general view:—

TABLE of Details showing the Establishment

	Class.	Elementary Police Station, District 225 miles square and 7½ miles radius. No. of Men.	Barony, 900 square miles, contains 4 Stations and Reserve. Distributed at 4 Stations.	Reserve at Centre.	Total in Barony.
Mounted Police.					
County Inpectors ...	1	...	...	...	...
	2	...	...	...	...
	3	...	...	...	...
Total ...	...	...	...	...	...
Barony Sub-Inspectors...	1	...	...	...	...
	2	...	...	...	...
	3	...	...	1	1
Total ...	...	...	...	1	1
Chief Constables ...	1	...	1	...	1
	2	...	1	...	1
	3	1	2	...	2
Total ...	...	1	4	...	4
Constables ...	1	...	...	...	...
	2	...	...	...	...
	3	...	...	...	...
Total ...	...	...	...	...	...
Sub-Constables ...	1	...	...	...	...
	2	...	...	...	...
	3	...	...	...	...
Total ...	...	...	...	...	...
Gross Total Mounted ...	...	1	4	1	5
Foot Police.					
Constables ...	1	1	4	1	5
	2	1	4	1	5
	3	1	4	1	5
Total ...	...	3	12	3	15
Sub-Constables ...	1	1	4	1	5
	2	1	4	1	5
	3	19	76	19	95
Total ...	...	21	84	21	105
Gross Total Foot ...	...	24	96	24	120
Gross Total Horse and Foot ...	...	25	100	25	125

proposed for Police Force of British India.

County, 8,100 square miles, contains 9 Baronies.			Province, 32,400 square miles, contains 4 counties.	British India, 837,412 square miles, contains 26 Provinces.	Monthly Pay per Man in Rupees.	Yearly Cost of proposed Police in British India.	
Distributed in 9 Baronies.	Reserve at Centre.	Total in County.	Men.	Men.		Rupees.	£
...	1	1	1	26	1,000	312,000	31,200
...	...	...	1	26	800	249,600	24,960
...	...	...	2	52	600	374,400	37,440
...	1	1	4	104	...	936,000	93,600
1	...	1	4	104	500	624,000	62,400
1	...	1	4	104	450	561,600	56,160
7	1	8	32	832	400	3,993,600	399,360
9	1	10	40	1,040	...	5,179,200	517,920
9	...	9	36	936	150	1,684,800	168,480
9	...	9	36	936	100	1,123,200	112,320
18	3	21	84	2,184	80	2,096,640	209,664
36	3	39	156	4,056	...	4,904,640	490,464
...	4	4	16	416	36	179,712	17,971
...	4	4	16	416	34	169,728	16,972
...	4	4	16	416	32	159,744	15,974
...	12	12	48	1,248	...	509,184	50,917
...	10	10	40	1,040	29	361,920	36,192
...	10	10	40	1,040	28	349,440	34,944
...	64	64	256	6,656	27	2,156,544	215,654
...	84	84	336	8,736	...	2,867,904	286,790
45	101	146	584	15,184	...	14,396,928	1,439,691
45	8	53	212	5,512	16	1,178,304	117,830
45	8	53	212	5,512	14	926,016	92,601
45	8	53	212	5,512	12	793,728	79,372
135	24	159	636	16,536	...	2,898,048	289,803
45	8	53	212	5,512	9	595,296	59,529
45	8	53	212	5,512	8	529,152	52,915
855	152	1,007	4,028	104,728	7	8,795,952	879,595
945	168	1,113	4,452	115,752	...	9,920,400	992,039
1,080	192	1,272	5,088	132,288	...	12,818,448	1,281,842
1,125	293	1,418	5,672	147,472	...	...	2,721,533

Strength, Organization, Cost, and Distribution of Police Force proposed for British India.

	Mounted Police.						Foot Police.			Gross Total.
	County Inspector.	Sub-Inspector.	Chief Constables.	Constables.	Sub-Constables.	Total.	Constables.	Sub-Constables.	Total.	
One police Station for district of 7½ miles radius	...	...	1	...	...	1	3	21	24	25
Barony.—Police Force in one Barony containing 4 Stations, and a reserve at centre. Radius of Barony 15 miles ...	...	1	4	...	...	5	15	105	120	125
Reserve at centres of Barony ...	...	1	...	...	...	1	3	21	24	25
County.—Police Force in one County 45 miles radius, containing 9 Baronies, and a reserve at the centre	1	10	39	12	84	146	159	1,113	1,272	1,418
Reserve at centre of County	1	1	3	12	84	101	24	168	192	293
Province.—Police Force in one Province 90 miles radius, containing 4 Counties ...	4	40	156	48	336	584	636	1,452	5,088	5,672
British India.—Police Force in British India, area containing 26 Provinces ...	104	1,040	4,056	1,248	8,736	15,184	16,536	115,752	132,288	147,472
War Contingent.—Proportion of Police Force which might be temporarily detached in aid of military, for objects of war, *viz.* Cavalry	...	78	104	1,248	8,736	10,166	...	...	...	30,316
Ditto Infantry	...	78	104	...	...	...	2,496	17,472	20,150	
	Rupees.	Rupees.	Rupees.	Rupees.	Rupees.		Rupees.	Rupees.		
Monthly rates of pay in rupees 1st class ...	1,000	500	150	36	29	...	16	9		
Monthly rates of pay in rupees 2nd " ...	800	450	100	34	28	...	14	8		
Monthly rates of pay in rupees 3rd " ...	600	400	80	32	27	...	12	7		
	£	£	£	£	£	£	£	£	£	£
Cost.—Total yearly cost of proposed Police Force for British India	93,600	517,920	490,464	50,917	286,790	1,439,691	289,803	992,039	1,281,842	2,721,533

91. Such an organization would enable the sub-inspector of any barony to concentrate to the most distant point of his district, within six hours, 100 men.

It would enable the county inspector to concentrate rapidly 900 men to any one point of his district.

It would enable the Government commissioner of the province to concentrate rapidly 3,000 men on any point of his district.

It would enable the Government on any urgent emergency of war at once to reinforce the regular military reserve by a well-organized force of 10,000 Police Cavalry, and 20,000 Police Infantry, and, by recruiting, to repeat such reinforcements to any extent required.

92. The gross cost of this Police force, numbering 147,472 men, upon a liberal scale of pay, placing them beyond the *necessity of committing depredations for their livelihood*, would be 2,721,533*l.* per annum, or about the aggregate of what is now paid in different ways to the 600,000 depredators comprising the present village and thannah Police. But from this estimated amount there would be the saving of the pay of the military officers—whose regiments having deserted them in the mutinies, leave them available for this most inportant organization. Thus we may calculate that the improved Police and their officers, taken together, would produce a saving of about half a million annually, as compared with the former expenditure under these heads.

Civil and Criminal Jurisprudence.

93. Having corrected the most dangerous and oppressive system that exists in India, by disbanding the 600,000 village and thannah Police, and organising a well-controlled and disciplined protective constabulary force of 147,472 men, the next subject in import-

ance would be to improve the administration of justice, both civil and criminal—

First. By taking all judicial power out of the hands of revenue collectors and Police officers.

Second. By establishing a moonsiff's barony circuit court in each barony, with both civil and criminal jurisdiction to a limited extent, for the trial of minor cases; such court to hold a session monthly at the centre of each of the four petty sessions districts in the respective baronies, and thus to decide all minor cases, both civil and criminal, within a maximum distance of 7½ miles of the suitors, &c., instead of forcing them, as at present, to travel long distances to sudder stations.

Third. By establishing a superior county circuit court for the trial of graver cases, both civil and criminal, and for hearing appeals from the minor or moonsiff's circuit courts. The superior county circuit court to hold quarterly sessions at the centre of each of the nine baronies; thus making the maximum distance for suitors, &c., to look for justice in the heaviest cases fifteen miles, instead of the present radius of the sudder district.

94. Taking the average annual number of persons apprehended on criminal charges in the provinces of Lower Bengal for ten years, ending 1852, at 91,261, as recorded at page 76 of Despatch from Government of India, dated 14th May 1857, we may compare proximately the oppression of the fixed sudder station principle with the relief that would be afforded by circuit courts and rotating functionaries.

The proportion of the above-quoted 91,261 criminals due to an average county of 8,100 square miles, as shown in the diagram, would be about 16,290 equally distributed throughout the county; and allowing the due proportion of witnesses and others engaged

on the prosecution and defence, say ten individuals in each case, to have made two journeys between the places where the offences were committed and the places of trial, the comparison would stand thus as regards the miles travelled by the various parties : *viz.*:

If tried on the old principle at the one centre of each large or county district, 15,228,000 miles.

If tried at the nine centres respectively of baronies, 7,531,000 miles.

If tried at thirty-six points of the nine inferior circuit courts, which is the principle we have adopted for economy in our calculations, the miles travelled in each county for the trial of criminal cases in one year would be only 3,758,000.

It is clear that the great mass of the cases would have been within the jurisdiction of the minor courts, and therefore the saving of oppressive embarrassment to the people of a single district, amounting to only 1-28th part of Lower Bengal, in a single year, and in but one branch of the administration of justice, would have approched 11,469,600 miles of journeys. We may fairly consider that this saving may be increased three-fold by taking into account the superior civil court business, and the attendance of the people upon the various other public departments, making a total saving to one county of 34,408,800 miles travelled, which multiplied by 104, the number of counties of the same size proposed for British India, would reach the enormous amount of 3,578 millions of miles of harassing journeys that British Indian subjects would be relieved from in the year if circuit courts and sessions were established at convenient points, as in England, at which the public functionaries should periodically meet the people in their own districts instead of dragging them to the one fixed centre of each large district.

95. It must be kept in mind that the diagram county contains 8,100 square miles, or what would be nearly equal to one-sixth of

the entire surface of England, whilst the next class of district or barony is about three-fourths of the area of an average English county.

Until circuit courts, applied to a convenient territorial division, shall have been established, it is idle to expect that justice can be duly administered in India.

To effect upon the old principle of fixed functionaries the degree of relief here proposed as regards Government departmental supervision, it would be requisite to multiply by nine the existing number and consequent cost of the most expensive class of functionaries, whereas, with the alteration proposed, a considerable reduction of the existing expenditure might probably be effected.

Hence the due administration of justice, and of an efficient executive Government in its various departmental functions, must remain impossible problems until the authorities shall move round their districts holding their sessions periodically at fixed places and times. There is no other means of meeting the physical impediments interposed by vast distances and areas as compared with the largest amount of competent Europeans that can practically be supplied.

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